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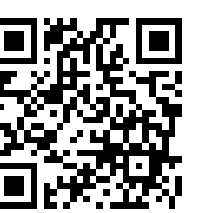

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THE

LAWS OF TEXAS

1822-1897

Austin's Colonization Law and Contract; Mexican Constitution of 1824; Federal Colonization Law; Colonization Laws of Coahuila and Texas; Colonization Law of State of Tamaulipas; Fredonian Declaration of Independence; Laws and Decrees, with Constitution of Coahuila and Texas; San Felipe Convention; Journals of the Consultation; Proceedings of the General Council; Goliad Declaration of Independence; Journals of the Convention at Washington; Ordinances and Decrees of the Consultation; Declaration of Independence; Constitution of the Republic; Laws, General and Special, of the Republic; Annexation Resolution of the United States; Ratification of the same by Texas; Constitution of the United States; Constitutions of the State of Texas, with all the Laws, General and Special, passed thereunder, including Ordinances, Decrees, and Resolutions, with the Constitution of the Confederate States and the Reconstruction Acts of Congress.

COMPILED AND ARRANGED BY

H. P. N. GAMMEL

OF AUSTIN.

WITH AN INTRODUCTION BY C. W. RAINES.

VOLUME VII.

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GENERAL LAWS

OF THE

TWELFTH LEGISLATURE

OF

THE STATE OF TEXAS

SECOND SESSION—1871

BY AUTHORITY.

AUSTIN
1871

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GENERAL LAWS OF TEXAS, 1871

CHAPTER I.

An Act to provide for the creating of two counties out of the territory now embraced within the limits of Refugio County, and to provide for their organization.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory comprised within the following limits, to-wit: Beginning at the boundary of the State on the Gulf of Mexico, opposite the center of the channel of Aransas Pass, between the islands of St. Joseph and Mustang; thence, with the line between the counties of San Patricio and Refugio, to the center of Aransas river; thence, down the center of said stream to Copano Bay; thence, with the channel of said bay parallel with the shore, to the east end of the same at the mouth of Copano creek; thence, up said creek to the mouth of Alamita creek; thence, in a direct line to the southeast corner of J. C. Stolberg survey on Esperitu Santo Bay; thence, in a direct line, to Cedar Bayou; thence, through said bayou, to the boundary of the State on the Gulf of Mexico; thence, with said boundary of the State, to the place of beginning, be and the same is hereby created a county, to be called the county of Aransas, and the town of Rockport is hereby declared the county seat of said county.

Sec. 2. That the remaining portion of the county of Refugio shall constitute and be called Refugio county, and the town of Refugio shall be the county seat of said Refugio county.

Sec. 3. That the present officers of Refugio county shall continue to discharge the duties of their respective offices, in the county in which they severally reside, for the term for which they were elected.

Sec. 4. That the sheriff of Refugio county shall be authorized and required to take charge of all books, papers and records belonging to Refugio county, and to deliver them to the proper officers of said county, at the county seat thereof.

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Sec. 5. That all laws and parts of laws contrary to the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Passed September 18, 1871.

The foregoing act, received in the office of the Secretary of State, September thirty, one thousand eight hundred and seventy-one, having been presented to the governor of Texas for his approval, and not having been returned by him to the House in which it originated, within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER II.

An Act amendatory of an act entitled an act prescribing the times of holding the District Courts in the Seventh Judicial District of the State, approved March 4, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be so amended as hereafter to read as follows: That the district courts of the several counties in the Seventh Judicial District in the State of Texas be holden at the times hereinafter prescribed as follows: In the county of Titus on the second Mondays in March, July and November, and may continue in session three weeks; in the county of Cass on the third Mondays after the second Mondays in March, July and November, and may continue in session two weeks; in the county of Marion on the fifth Mondays after the second Mondays in March, July and November, and may continue in session until the business of said court is disposed of.

Sec. 2. That this act be in force from and after its passage.

Approved September 22, 1871.

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CHAPTER III.

An Act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the mileage and per diem pay of members, and the per diem pay of the officers and employés of the Twelfth Legislature of the State of Texas.

Sec. 2. That the certificate of the Secretary of the Senate, approved by the President thereof, or the certificate of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and draw his warrants upon the Treasurer for the respective amounts.

Sec. 3. That this act shall take effect from and after its passage.

Approved September 28, 1871.

CHAPTER IV.

An Act supplementary to an act to provide the mode of trying titles to land, approved February 5, 1840.

Section 1. Be it enacted by the Legislature of the State of Texas, That in any action of trespass to try titles to land, brought under the act to which this is a supplement, it shall not be necessary for the plaintiff to deraign title beyond a common source, and proof of a common source may be made by the plaintiff by certified copies of the deeds showing a chain of title to the defendant, emanating from and under such common source; but before any such certified copies shall be read in evidence, they shall be filed in the papers of the suit two days before the trial, and the adverse party served with notice of such filing as in other cases; provided, that such certified

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copies shall not be evidence of title in the defandant unless offered in evidence bv him, and the plaintiff shall not be precluded from making any legal objection to such certified copies or the originals thereof when introduced by the defendant.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed September 28, 1871.

The foregoing act, received in the office of Secretary of State October twenty-three, one thousand, eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER V.

An Act to amend the third section of an act entitled An Act to amend an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved March 4, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the above recited act be and the same is hereby amended so as to read as follows: That the thirty-fifth section of the above recited act be and the same is hereby amended so as to read as follows: Section 35. That the district courts of the Thirty-fourth Judicial District shall be holden at the times hereinafter specified, to-wit: In the county of Bell, on the third Mondays in March, September and December, and may continue in session four weeks; provided, that when there may m[b]e five Mondays in either of the months of March, September or December, then said courts may continue in session five weeks: in the county of Coryell on the third Mondays in January, April and October, and may continue in session two weeks; provided, that when there may be five Mondays in either of the months of January, April or October, then said courts may continue in session three weeks: in

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the county of Hamilton on the first Mondays in February, May and November, and may continue in session one week; in the county of Comanche on the second Mondays in February, May and November, and may continue in session one week; in the county of Erath on the third Mondays in February, May and November, and may continue in session two weeks.

Sec. 2. That, as to the times of holding the courts, this act take effect from the first day of January, 1872, but as to the issue of process returnable to said terms, this act take effect from and after its passage.

Approved October 4, 1871.

CHAPTER VI.

An Act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That section twenty-five of an act entitled, "An act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, be and the same is hereby amended so as to read as follows: That the district courts of the Twenty-fourth Judicial District, shall be holden at the times hereinafter specified, to-wit: In the county of Maverick on the first Mondays in November, March and July, and may continue in session two weeks; in the county of Uvalde on the third Mondays in November, March and July, and may continue in session two weeks; in the county of Bandera on the first Mondays in December, April and August, and may continue in session two weeks; in the county of Medina on the third Mondays in December, April and August, and many continue in session two weeks; in the county of Atascosa on the first Mondays in January, May and September, and may continue in session until the business is disposed of. That for judicial purposes, the unorganized counties of Kinney and Dimmit shall be attached to the county of Maverick; the counties of Zavala and Dawson to Uvalde, and the county of Frio to the county of Atascosa.

Approved October 13, 1871.

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CHAPTER VII.

An Act to prohibit the sale of intoxicating liquors to persons within the scholastic age in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person dealing in intoxicating liquors, who shall sell or give away to any person or persons coming within the scholastic age (as prescribed in the Constitution), without the written consent of the parents or their proper representative, any intoxicating liquors, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than twenty-five nor more than one hundred dollars for each and every offense.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved October 13, 1871.

CHAPTER VIII.

An Act to amend an act entitled An Act to provide for districting the State of Texas into judicial districts, approved July 2, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the twenty-sixth section of "An act to provide for districting the State of Texas into judicial districts," approved July 2, 1870, be amended so as to read as follows: That the Twenty-sixth Judicial District shall be composed of the counties of Menard, Mason, Gillespie, Blanco, Comal, Kendall and Kerr, together with the unorganized counties heretofore attached for judicial purposes to those counties respectively.

Sec. 2. That this act take effect from and after its passage.

Approved October 13, 1871.

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CHAPTER IX.

An Act prescribing the times of holding the district courts in the Twenty-sixth judicial district.

Section I. Be it enacted by the Legislature of the State of Texas, That the district courts of the Twenty-sixth Judicial District of this state shall be holden at the times herein specified, to-wit: In the county of Comal on the first Mondays in October, February and June, and may continue in session two weeks; in the county of Blanco on the third Mondays in October, February and June, and may continue in session two weeks; in the county of Menard on the fourth Mondays after the first Mondays in October, February and June, and may continue in session one week; in the county of Mason on the fifth Mondays after the first Mondays in October, February and June, and may continue in session one week; in the county of Gillespie on the sixth Mondays after the first Mondays in October, February and June, and may continue in session two weeks; in the county of Kerr on the eighth Mondays after the first Mondays in October, February and June, and may continue in session one week; in the county of Kendall on the ninth Mondays after the first Mondays in October, February and June, and may continue in session until the business is disposed of. That for judicial purposes the county of Edwards shall be attached to the county of Kerr, and the county of Kimball to the county of Gillespie.

Sec. 2. That all laws and parts of laws, so far as they conflict with the provisions of this act, are hereby repealed; and this act shall take effect from and after its passage.

Approved October 13, 1871.

CHAPTER X.

An Act to amend section one of an act entitled An Act to Encourage stockraising, and for the protection of stockraisers, approved May 22, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That each organized county of this State, not hereinafter excepted from the operation of this act, shall be created an inspec-

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tion district, for the inspection of hides and animals, and an inspector of hides and animals shall be elected in each inspection district, at each general election for members of the Legislature, who shall hold his office for the term of two years and until his successor shall have been elected and duly qualified. In case of a vacancy in the office of inspector of hides and animals in any district from any cause, the county court of the county constituting such inspection district shall appoint an inspector of hides and animals for said district, who shall hold his office until his successor shall have been elected and duly qualified; provided, that all inspectors of hides and animals, authorized by this act, shall be appointed by the Governor and hold their offices until the next general election for members of the Legislature.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed October 14, 1871.

The foregoing act, received in the office of Secretary of State, October twenty-six, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated, within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER XI.

An Act to amend an act entitled An Act to adopt and establish a Penal Code for the State of Texas, appropevd August 26th, A. D. 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That Title XXI., Chapter II., of an act entitled "An act to adopt and establish a penal code for the State of Texas," approved August 26, A. D. 1856, be so amended as to read as follows:

Art. 784. If any person shall threaten to take the life of any human being, or to inflict upon any human being any serious bodily injury, he shall be punished by confinement in the penitentiary for a period of not less than one year nor more than five years, or by

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fine of not less than five hundred dollars nor more than two thousand dollars.

Art. 785. In order to render a person guilty of the offense provided for in this chapter, it is necessary that the threat be seriously made.

Art. 786. It is for the jury to determine, in every case of prosecution under this chapter, whether the threat was seriously made, or was merely idle and with no intention of executing the same.

Art. 787. A threat that a person will do any act merely to protect himself, or to prevent the commission of some unlawful act by another, does not come within the meaning of this chapter.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved October 18, 1871.

CHAPTER XII.

An Act to amend section two of an act entitled An Act defining lawful enclosures, and for other purposes, approved March 16, 1840.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of "An act defining lawful enclosures, and for other purposes," approved March 16, 1840, be amended so as to read as follows: Section 2. When any trespass shall have been done by any cattle, horse or hogs, on the clear and cultivated ground of any person, it shall be lawful for such person to complain thereof to any justice of the peace for the county where such trespass shall have been done, and such justice is hereby authorized and required to cause two disinterested and impartial freeholders to be summoned, who with such justice shall view and examine on oath whether complainant's fence be sufficient or not, and what damages he hath sustained by such trespass, and certify the same under their hands and seals; and if it shall so appear that the said fence be sufficient, then the owner of such cattle, horses or hogs, shall make full satisfaction for the trespass to the party injured, to be recovered before any tribunal having cognizance thereof; and for the second trespass by the same cattle, horses or hogs, the owner or proprietor of the premises, upon which the trespass is committed, may if he deem it necessary for the protection and preservation of his premises, or the crop growing thereon, cause said stock to be penned and turned over to the sheriff or constable, and held responsible to the

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person damaged for all damages by said stock, heretofore accrued, together with all costs thereon; but if it shall appear that the said fence be deemed sufficient, then the owner of such cattle, horses or hogs, shall be liable to make satisfaction for such damages; and should the owner or proprietor of any clear and cultivated ground, where the fence is insufficient, with gun, dogs or otherwise, maim, wound or kill any cattle, horses or hogs, or cause or procure the same to be done, such person shall be punished as provided in section three of the act to which this is an amendment.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved October 18, 1871.

CHAPTER XIII.

An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any unappropriated funds in the Treasury, to defray the contingent and printing expenses of the Twelfth Legislature; said appropriation to be in proportion of nine thousand dollars for the use of the House, and six thousand dollars for the use of the Senate; and that the certificates of the Chief Clerk of the House of Representatives, and Secretary of Senate to the correctness of, and the approval of the chairman of the Committees of Contingent and Printing Expenses of the House of Representatives and Senate to the accounts against the two Houses, shall be sufficient authority for the Comptroller to draw his warrants upon the Treasury for the several amounts charged against said fund.

Sec. 2. That this act be in force from and after its passage.

Approved October 18, 1871.

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CHAPTER XIV.

An Act regulating the removal of the disabilities of minors.

Section 1. Be it enacted by the Legislature of the State of Texas, That any minor in this State over the age of seventeen years, who may desire to have his disabilities as a minor removed, he shall by a bill or petition present to the district court of the county where he may reside the cause or causes existing which make it advisable or advantageous to said minor to have his disabilities removed, which bill or petition shall be sworn to by some person cognizant of the facts set out in his said bill or petition.

Sec. 2. That said bill or petition shall be docketed on the trial docket of the court and may be heard by the court either in regular order, or at any time during term time; and if it shall appear to the court that the ground or causes set out are sufficient, and that it is advisable or will be advantageous to such minor, in person or property, to have his disabilities, as a minor, removed, the court shall enter up a decree removing the disabilities of said minor, and cause it to be entered of record among the decrees and judgments of court.

Sec. 3. That after the removal of such disabilities of minorage, the said minor shall be deemed and held for all legal purposes of full age, and shall be held responsible and shall have all the privileges and advantages as if he were of full age, saving only that he shall not vote until he arrives at the age of twenty-one years.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Approved October 24, 1871.

CHAPTER XV.

An Act to facilitate the correcting of surveys and the issuance of patents to locations of land.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter, when field notes of surveys of land are returned to the General Land Office with applications for patents, it

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shall be the duty of the Commissioner to cause an examination of the same without unnecessary delay. If upon examination the field notes are found to be incorrect, it shall be the duty of the Commissioner of the General Land Office to cause a plain statement of the errors, with a sketch of the map, to be forwarded by mail, or by the party interested, to the surveyor who made the survey, with a requisition to correct the same and return corrected field notes to the General Land Office.

Sec. 2. It is hereby made the duty of surveyors, who shall make and deliver incorrect field notes, upon the requisition of the Commissioner of the General Land Office, provided for in section one, or of the party interested, to make corrected field notes and return the same to the General Land Office without delay, without any additional compensation; provided, nevertheless, when there is only an apparent conflict shown by the maps, which does not exist upon the ground, it shall only be required of the surveyor to make an official certificate of the fact and furnish a true sketch of the survey with its connections.

Sec. 3. Any surveyor who shall refuse, having once been paid his fees for making and recording a survey, or shall unnecessarily delay to make the correction provided for in this act, shall upon motion before the district court of his county, by any party interested, be fined in a sum not less than double the amount of fees paid him for making the survey, and not more than four times the amount.

Sec. 4. This act shall be in force from and after its passage, and shall be construed to apply to all cases of incorrect field notes now on file in the General Land Office made by surveyors who still hold the office.

Approved October 24, 1871.

CHAPTER XVI.

An Act to affirm the titles to certain lands in Peters colony.

Section 1. Be it enacted by the Legislature of the State of Texas, That the titles to all lands patented in the colony of W. S. Peters and his associates prior to February 4, A. D. 1858, by virtue of certificates issued to colonists by the county courts of counties in said colony, be and the same are hereby affirmed in the patentees and their assigns; and that this act take effect and be in force from and after its passage.

Approved October 24, 1871.

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CHAPTER XVII.

An Act authorizing the County Court of Marion County to have certain records from other counties transcribed and recorded in said county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Marion County be authorized to employ the services of a competent person to take copies from the records of the counties of Red River, Bowie, Cass, Titus and Harrison of all deeds of conveyances, mortgages, judgments, deeds of trust, and other contracts in writing, of and concerning all lands now lying in said county of Marion formerly belonging to, and now of record in said counties of Red River, Bowie, Cass, Titus and Harrison, and to transcribe the same on the record books of said county of Marion; and said person shall be sworn faithfully to discharge said duties as agent of said county.

Sec. 2. That it shall be the duty of the agent so employed by said county faithfully to compare the copies to be taken by him with the original records, and to certify to the correctness of the same in his own handwriting on the books of the said Marion county, on which he shall transcribe the same; thereupon the same shall be received as evidence in all courts in this State, as though the same had been originally recorded in said county of Marion.

Sec. 3. It shall be the duty of the county of Marion to furnish all books, papers and stationery necessary to accomplish the provisions of this act; and the clerks of said counties of Red River, Cass, Bowie, Titus and Harrison shall afford to the said agent of Marion county free inspection of the books of their offices, and the use of the same for the purpose of making transcripts and copies provided for in this act.

Sec. 4. The County Court of Marion county is hereby authorized to make a reasonable appropriation to pay the expenses of transcribing the records under this act; and this act shall take effect from and after its passage.

Approved October 24, 1871.

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CHAPTER XVIII.

An Act amending an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section nineteen of "An act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, be and is hereby amended so as to read as follows: Section 19. That the district courts of the Eighteenth Judicial District shall be holden at the times hereinafter specified, to-wit: in the county of Brazoria on the first Mondays in October, the third Mondays in January and the first Mondays in May, and may continue in session four weeks; in the county of Galveston on the last Mondays in November, the third Mondays in February and the first Mondays in June, and may continue in session until the business is disposed of.

Sec. 2. This act to take effect and be in force from and after its passage.

Approved October 24, 1871.

CHAPTER XIX.

An Act to regulate the time of holding courts in the Eleventh Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the district courts of the Eleventh Judicial District shall be begun and holden as follows, viz: In the county of Fannin on the first Mondays in January, May and September, and may continue in session four weeks; in the county of Hopkins on the first Mondays in February, June and October, and may continue in session three weeks; in the county of Hunt on the fourth Mondays in February, June and October, and may continue in session two weeks; in Collin county on the second Mondays in March, July and November, and may continue in session four weeks.

Sec. 2. That an act entitled "An act to amend section twelve

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of an act prescribing the times of holding the district courts in the several judicial districts of the State of Texas," approved April 12, 1871, and so much of the same above cited act, approved August 10, 1870, as conflicts with this act, be and the same are hereby repealed.

Sec. 3. That this act take effect and be in force from its passage.

Approved October 24, 1871.

CHAPTER XX.

An Act to amend an act entitled An Act to adopt and establish a Penal Code for the State of Texas, approved August 26, A. D. 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That Title XXI., Chapter I., of the Penal Code be so amended as to read as follows:

Article 776. A conspiracy is an agreement entered into between two or more persons to commit any one of the offenses hereafter named in this chapter.

Article 777. The offense of conspiracy is complete, although the parties conspiring do not proceed to effect the object for which they have so unlawfully combined.

Article 778. Before any conviction can be had for the offense of conspiracy, it must appear that there was a positive agreement to commit one of the offenses hereafter named in this chapter. It will not be sufficient that such agreement was contemplated by the parties charged.

Article 779. A threat made by two or more persons, acting in concert, will not be sufficient to constitute conspiracy.

Article 780. The agreement, to come within the definition of conspiracy, must be to commit one or more of the following offenses, to-wit: murder, robbery, arson, burglary, rape or theft.

Article 781. Conspiracy to commit murder shall be punished by confinement in the penitentiary for a period of not less than two, nor more than ten years. Conspiracy to commit any one of the other offenses named in the preceding article shall be punished by one-half the punishment affixed by law to the commission of the offense so intended to be committed by the parties charged; provided,

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that in no case the punishment by confinement in the penitentiary be less than two years.

Article 782. A conspiracy to kill a human being shall be deemed a conspiracy to commit murder.

Article 783. A conspiracy entered into in this State for the purpose of committing any one of the offenses named in article 780, in any other of the States or Territories of the United States, or in any foreign territory, shall be punished in the same manner as if the conspiracy so entered into was to commit the offense in this State.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved October 26, 1871.

CHAPTER XXI.

An Act to enforce Section XXI., Article I., of the Constitution.

Section 1. Be it enacted by the Legislature of the State of Texas, That the equality of all persons before the law is herein recognized, and shall ever remain inviolate, nor shall any citizen ever be deprived of any right, privilege or immunity, nor be exempted from any burdens or duty on account of race, color or previous condition.

Sec. 2. That all public carriers in this State are hereby prohibited, in accordance with the above and foregoing section, from making any distinctions in the carrying of passengers, and all violations of the law as herein enacted shall be deemed misdemeanors, and punished on conviction by a fine of not less than one hundred dollars or more than five hundred dollars, or imprisonment for not less than thirty or more than ninety days, or both, within the discretion of a court of competent jurisdiction.

Sec. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 4 That this act take effect and be in force from and after its passage.

Approved October 28, 1871.

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CHAPTER XXII.

An Act to Provide for Appeals from Interlocutory Judgments in the District Courts of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That any party to any civil suit that may now be pending, or may hereafter be instituted in any of the district courts of this State, shall have the right of appeal to the Supreme Court of the State from any interlocutory judgment, order or decree that may hereafter be rendered by such district court in such suit.

Sec. 2. That all appeals, authorized by the first section of this act, shall be regulated by the law regulating appeals from final judgment in the district court, so far as the same may be applicable thereto.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved November 1, 1871.

CHAPTER XXIII.

An Act Authorizing and Requiring the Surveyor of Dallas County to Transcribe Certain Records of His Office, and to Make a General Index.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county surveyor of Dallas county be and he is hereby authorized and required to transcribe the records contained in books C., D. and P. of his office into one or more well bound books, which said records so transcribed, and their correctness certified to by the presiding justice of Dallas county, shall have the same force and effect as the original records from which they shall be transcribed.

Sec. 2. That the original books, mentioned in the first section of this act, shall be deposited with the clerk of the district court of Dallas county, who is hereby required to take charge of and preserve the same.

Sec. 3. That the said surveyor is further authorized and re-

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quired to make out a full and complete index to all the records of his office in a well bound book provided for that purpose.

Sec. 4. That the surveyor, for performing the services required by this act, shall receive such compensation as shall be allowed by the police court of Dallas county, not to exceed twenty cents per hundred words for transcribing.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved November 1, 1871.

CHAPTER XXIV.

An Act to provide for transcribing the surveyors' records.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever the police court of any county in this State shall deem the same necessary, they shall order the surveyor's records to be transcribed in good and substantial books, in a plain hand, by the surveyor or special deputies duly sworn to make true copies of the same; for which services they shall be allowed not more than fifteen cents per hundred words, to be paid out of the county treasury.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved November 6, 1871.

CHAPTER XXV.

An Act to provide for transcribing the land records of San Saba county.

Whereas, The land records of the county of San Saba were stolen and lay exposed in the mountains for several months, and were so much damaged as to render them nearly illegible; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of San Saba county be and it is

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hereby authorized to have the land records of said county transcribed and re-indexed from the original records of said county; provided, that the person transcribing the same shall, before entering upon his duties, take an oath that he will make such transcribed records true copies of the originals, both in letters and figures.

Sec. 2. That certified copies of deeds, mortgages, judgments and all other instruments of writing from the transcribed records, shall be received in evidence in the trial of all causes in the courts of this State, the same as if made from the original records.

Sec. 3. That the county court of said county is hereby authorized to cause to be paid to the person or persons, employed by it to transcribe said land records, such sum of money as said court may deem proper, or as may be agreed upon, out of any fund, either special or general, belonging to said county.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved November 6, 1871.

CHAPTER XXVI.

An Act to Amend the Penal Code for the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Penal Code for the State of Texas be amended as follows—by inserting after article 363 the following:

Article 363a. If the purpose of the unlawful assembly be to alarm and frighten any person or persons, by appearing in disguise so that the real persons so acting and assembling cannot be readily known, and by using language or gestures calculated to produce in such person or persons the fear of bodily harm, all persons engaged therein shall be punished by fine not less than one hundred dollars nor more than one thousand dollars each; and if such unlawful assembly shall take place at any time of the night, that is between sunset and sunrise, the fine shall be doubled; and if three or more persons are found together disguised and armed with deadly weapons, the same shall be prima facie evidence of the guilty purpose of such persons as above described; and if any other unlawful assembly mentioned in this chapter consist in whole or in part of persons disguised and armed with deadly weapons, the fine to be assessed upon each person so offending shall be double the penalty hereinbefore prescribed.

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Also, by amending article 488 so that the same shall read as follows:

Article 488. An assault or battery becomes aggravated when committed under any of the following circumstances:

1. When committed upon an officer in the lawful discharge of the duties of his office, if it was known or declared to the offender that the person assaulted was an officer discharging an official duty.
2. When committed in a court of justice, or in any place of religious worship, or in any place where persons are assembled for the purpose of innocent amusement.
3. When the person committing the offense goes into the house of a private family, and is there guilty of an assault and battery.
4. When committed by a person of robust health or strength upon one who is aged or decrepit.
5. When committed by an adult male upon the person of a female or child, or by an adult female upon the person of a child.
6. When the instrument or means used is such as inflicts disgrace upon the person assaulted, as an assault or battery with a whip or cowhide.
7. When a serious bodily injury is inflicted upon the person assaulted.
8. When committed with deadly weapons under circumstances not amounting to an intent to murder or maim.
9. When committed with premeditated design, and by the use of means calculated to inflict great bodily injury.
10. When committed by any person or persons in disguise.

Also by amending article 492, so that the same shall read as follows:

Article 492. If any person shall assault another with intent to commit the offense of maiming, he shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the penitentiary not less than two nor more than five years; and if such assault be made by a person or persons in disguise the penalty shall be doubled.

Also by amending article 493 so that the same shall read as follows:

Article 493. If any person shall assault another, with intent to murder, he shall be punished by confinement in the penitentiary not less than two nor more than seven years; if the assault be made with a bowie-knife or dagger, or in disguise, the punishment shall be doubled.

Also by amending article 568 so that the same shall read as follows:

Article 568. Homicide is permitted by law when inflicted for the

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purpose of preventing the offense of murder, rape, robbery, maiming, arson, burglary and theft at night, or when inflicted upon a person or persons who are found armed with deadly weapons and in disguise in the night time on premises not his or their own, whether the homicide be committed by the party about to be injured or by some person in his behalf, when the killing takes place under the following circumstances:

1. It must reasonably appear by the acts or by words, coupled with the acts of the person killed, that it was the purpose and intent of such person to commit one of the offenses above named.

2. The killing must take place while the person killed was in the act of committing the offense, or after some act done by him showing evidently an intent to commit such offense.

3. It must take place before the offense committed by the party killed is actually completed, except that, in case of rape, the ravisher may be killed at any time before he has escaped from the presence of his victim, and except, also, in the cases hereafter enumerated.

4. Where the killing takes place to prevent the [illegible] other person, it shall not be deemed that the murder is complete so long as the offender is still inflicting violence, though the mortal wound may have been given.

5. If homicide takes place in preventing a robbery, it shall be justifiable if done while the robber is in the presence of the person robbed, or is flying with the money or other article taken by him.

6. In case of maiming, the homicide may take place at any time while the offender is mistreating with violence the person injured, though he may have completed the offense of maiming.

7. In case of arson, the homicide may be inflicted while the offender is in or at the building or other property burnt, or flying from the place before the destruction of the same.

8. In cases of burglary and theft by night, the homicide is justifiable at any time while the offender is in the building, or at the place where the theft is committed, or is within reach of gunshot from such place or building.

9. When the party slain in disguise is engaged in any attempt, by word, gesture or otherwise, to alarm some other person or persons, and put them in bodily fear.

Sec. 2. This act shall be in force from and after the date of its passage.

Approved November 6, 1871.

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CHAPTER XXVII.

An Act to Enable the Comptroller of Public Accounts to Settle with Defaulting Revenue Officers.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be and he is hereby authorized to make settlement with defaulting revenue officers of the State, or their securities, by compromise or in any other manner he may deem best for the interest of the State; provided, that no settlement made by the Comptroller under the provisions of this act shall be conclusive, until a full statement of the facts upon which the settlement is based shall have been submitted to the Attorney General of the State, and the settlement proferred [proffered] by the Comptroller have received the approval of the Attorney General.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 6, 1871.

CHAPTER XXVIII.

Act to Amend An Act Prescribing the Mode of Proceeding in District Courts in Matters of Probate, Approved August 15, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section one hundred and ten of said act be so amended as to read as follows: Section 110. Where a married woman may be appointed executrix, or administratrix, or guardian, she may jointly with her husband, or without her husband, if he be absent from the State, or insane, or refuse to join with her, execute such bond as the law requires, and acknowledge the same before the clerk; and such bond shall bind her separate estate in the same manner as if she were unmarried, but shall not bind her husband as surety unless he sign and be approved as such.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved November 6, 1871.

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CHAPTER XXIX.

An Act to Confirm and Make Valid the Acts of the District Court of Collin County, begun and held at the Town of M'Kinney, on the first Monday in July, 1871.

Whereas, By an act of the Legislature, approved April 12, 1871, the time for holding the district court in and for the county of Collin had been changed, but the knowledge of said law not having been made known to the judicial and other officers of said court, and the session of said court begun and holden on the first Monday in July, 1871, being in contravention of the provisions of said act of April 12, 1871; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the decrees, judgments and proceedings of the said court, had and done at the July term, 1871, be and the same are hereby declared valid to all intents and purposes, the same as if said court had been held in conformity to the then existing law.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 6, 1871.

CHAPTER XXXX.

An Act Making an Appropriation to Defray the Printing and Contingent Expenses of the Twelfth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen thousand dollars, or so much thereof as may be required, be and the same is hereby appropriated out of any funds in the Treasury, to defray the printing and contingent expenses of the Twelfth Legislature, in the proportion of ten thousand dollars for the use of the House, and five thousand dollars for the use of the Senate; and the certificate of the Secretary of the Senate and Chief Clerk of the House of Representatives to the correctness of, and the approval of the chairman of the respective committees of the Senate and House, shall be sufficient authority for

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the Comptroller to draw his warrant upon the Treasurer for the several amounts charged against said fund.

Sec. 2. That this act take effect from and after its passage.

Approved November 10, 1871.

CHAPTER XXXI.

An Act to amend an Act entitled An Act to provide for the organization of the State Lunatic Asylum and for the care and maintenance of the insane, approved February 5, 1858.

Be it enacted by the Legislature of the State of Texas, That sections eight, nine and ten of an act entitled "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane," approved February 5, 1858, be amended so that they shall hereafter read as follows: Section 8. If information in writing be given to any presiding justice of a county that any person in his county is an idiot or lunatic, or non compos mentis, and that the welfare of himself or of others requires that he be placed under restraint, and said presiding justice shall believe such information to be true, he shall order such person to be brought before him, and twelve competent jurors of the county to be summoned, who shall be sworn to inquire, and a true verdict render, whether such person is of a sound mind or not, whereupon the matter shall be tried, and if the jury shall return a verdict that the person is not of sound mind, and that he should be placed under restraint, the same shall be recorded, and the presiding justice shall thereupon order him to be sent to the Lunatic Asylum, unless some friend (to whom the presiding justice in his discretion may deliver such person) will give bond payable to the State, with sufficient security, to be approved by said presiding justice, with the condition to restrain and take proper care of such person until the cause of confinement shall cease, or he is delivered to the sheriff of the county, or other person, to be proceeded with according to law. Upon the trial and inquiry herein provided for, the examination of the insane and the testimony of the witnesses shall be reduced to writing and filed. The proceedings of the presiding justice in relation to insane persons shall be minuted in the record of his court and certified to the clerk of the district court. Section 9. It shall be the duty of

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the presiding justice on ordering a person to be sent to the asylum to ascertain, first, the number of his family, if he has one, and their ability to maintain themselves; second, the value of his estate, if any, and third, the ability of persons legally liable for his support. Section 10. Before sending a patient to the asylum, the presiding justice shall without delay cause authenticated copies to be made of the proceedings, evidence and decree of the original inquisition and of the record of all subsequent inquisitions and orders, to be forwarded by mail to the Superintendent of the Lunatic Asylum, and in all cases except those of great emergency shall, before sending said person, ascertain from the Superintendent by application in writing, that there is a vacancy and that the officers of the asylum cannot send for him; thereupon the presiding justice shall issue his warrant to the sheriff, or other suitable individual ordering him to convey said person to the asylum without delay; and when satisfied of the necessity for assistants he shall prescribe in such warrant the number to be allowed, which in no case shall exceed two, and he shall see that the patient is provided with two good and full suits of summer and one of winter clothing. If it shall appear upon such inquisition that any person is legally liable for the support of such insane person, the facts shall all be certified to the clerk of the district court, who shall have authority to order the payment thereof by the person liable, and if the same be adjudged against the property of the patient or his or her guardian, or legal representative, the payment thereof may be as in other cases enforced by execution; provided, that an appeal may be taken to the district court from the order of the clerk. All persons admitted into the Lunatic Asylum shall be admitted as State patients, except as hereinafter provided.

Approved November 13, 1871.

CHAPTER XXXII.

An Act supplementary to an Act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the action of the Auditorial Board, created by an act of November 9, 1866, so far as the said board proceeded in issuing bonds and certificates of indebtedness upon the ascertained

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and audited debt of the State, be and the same is hereby confirmed, and that the sum of forty thousand two hundred and sixty nine dollors and fifteen cents is hereby appropriated out of any moneys est on said audited debt up to the first day of January, 1872.

Sec. 2. That it shall be the duty of the Governor, at the earliest day practicable, to to give notice by publication in the official newspaper, published at the city of Austin and in one newspaper in the city of New York, to the effect that the interest due up to the first day or January, 1872, on the bonds and certificates of indebtedness issued by the Auditorial Board of 1866 will be paid on presentation at the Treasury of the State, or in the city of New York, or a: both places, as the Governor may direct.

Sec. 3. That the time within which claims against the State may be presented to the Auditorial Board, as now provided by law, for its action is hereby extended to the first day of January, 1873, and all claims not presented for audit before said date are hereby declared to be forever barred.

Sec. 4. That Treasury warrants or other evidences of debt presented for action to the Auditorial Board bearing date after the twenty-eighth day of January, 1861, and which are found by the board to have been correctly issued for indebtedness actually created before said twenty-eighth day of January, 1861, shall not be deemed invalid in consequence of being so dated, but shall be held as valid as other claims dated before said time; provided, that nothing herein contained shall be so construed as to authorize the allowance of any claim for such unpaid balance or interest-bearing warrants as are excluded by the Constitution.

Sec. 5. That the Auditorial Board shall proceed to act upon all claims presented, and such as are found to be valid and subsisting shall be audited, and the board shall issue to the holders thereof certificates of indebtedness which may be discharged in the manner provided by the act to which this is supplementary; provided, that the holders of any interest bearing bond or bonds as described in section four of this act may retain possession of the original of such bond or bonds, and the Auditorial Board created by the act to which this is a supplement, shall cause to be endorsed on said bond or bonds the word genuine, which endorsement shall be dated and signed by the President of the board, and shall be sufficient to authorize the payment of the principal and interest of such bonds according to their tenor and effect, and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the interest and principal of such bonds.

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Sec. 6. That all interest-bearing claims not presented for the cation of the board on or before the first day of March, 1872, shall not be allowed to bear interest after that date.

Sec. 7. That the sum of twenty-five hundred dollars, [or] as much thereof, as may be necessary, out of any money in the Treasury not otherwise set apart, be and the same is hereby appropriated for the purpose of carrying this act into execution and it is directed that notice be given in the weekly official journal for three months, of the time in which claims are to be presented for the action of the board.

Sec. 8. That it shall be lawful for the Auditorial Board in acting upon the claims against the penitentiary, to allow interest upon them from the time they fell due, at the rate of six per centum per annum.

Sec. 9. That all laws and parts of laws in conflict with this act be and the same are hereby repealed and that this act take effect and be in force from and after its passage.

Approved November 13, 1871.

CHAPTER XXXIII.

An Act to exempt certain persons from serving on juries.

Section 1. Be it enacted by the Legislature of the State of Texas, That undertakers, druggists, and each and every active fireman belonging to any regularly organized fire company, who are provided with engines or the necessary appliances, doing duty in any incorporated town or city, shall be exempt from serving on juries; provided, that no member of any such company who, when present in any such town or city, shall fail to attend two consecutive monthly meetings of his company or fail to be present with his company at two consecutive fires, shall not be considered an active fireman unless excused for such non-attendance by a vote of the company.

Sec. 2. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 3. That this act shall take effect from and after its passage.

Passed November 14, 1871.

The foregoing act, received in the office of Secretary of State, November twenty-nine, one thousand eight hundred and seventy-

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one, having been presented to the Governor of Texas for his approval, and not having been returned to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER XXXIV.

An Act to provide for and regulate mechanics', contractors', builders', and other liens in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person or firm, artizan or mechanic, who may labor, furnish material, machinery, fixtures and tools to erect any house improvement or to repair any building or article or any improvement whatever shall have a lien on such article, house, building, fixtures or improvements, and shall also have a lien on the lot or lots, or land necessarily connected therewith, to secure payment for labor done, material and fixtures furnished for construction or repairs. That in order to fix and secure the lien herein provided for, the contractor, mechanic, laborer or artizan furnishing material shall have the right at any time within six months after such debt becomes due to file his contract in the office of the district clerk of the county in which such property is situated, and cause the same to be recorded in a book to be kept by the district clerk for that purpose. If the contract, order or agreement be verbal, a duplicate copy of the bill of particulars shall be made under oath, one to be delivered to the clerk to be filed and recorded as provided for written contracts, and the other to be served upon the party owing the debt; both the contract and the account when filed and recorded as above provided shall be accompanied by a description of the lands, lots, houses and improvements against which the lien is claimed; when such contract or account is filed and recorded, it shall be deemed sufficient diligence to fix the same from the date it is filed for record, and secure the lien herein provided.

Sec. 2. That the lien hereinbefore provided, if against land in the country, shall extend to and include fifty acres, upon which such labor has been performed, or houses and improvements are situated; if in a city, town or village, it shall extend to or include such lot

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or lots upon which such houses, fixtures or improvements are situated, or upon which such labor was performed.

Sec. 3. The lien herein provided for labor performed, or material furnished, shall extend to the land designated, and the person enforcing the same may have the land, lot or lots and improvements sold altogether, or he may have the improvements sold only, and when the improvements are sold separately, the purchaser shall have the right to remove the same within reasonable time from date of purchase; said sale to be upon judgment rendered by some court of competent jurisdiction foreclosing such lien and ordering sale of such property.

Sec. 4. But when material is furnished, labor performed, erection or repairs made upon a homestead, a lien upon the land, lot and improvements, as provided in section first of this act, shall be granted in favor of the person or firm furnishing material or performing labor, which lien upon the homestead shall be secured as provided in other cases and enforced as provided in the foregoing sections of this act; provided, that when the homestead is decreed to be sold under the provisions of this act, the court shall order that a writ of possession shall issue in favor of the purchaser, which writ shall be executed by the sheriff of the county wherein such property is situated, upon the application of the purchaser at any time after the expiration of ten days from the day of sale.

Sec. 5. That every boat navigating the waters of this State shall be liable and subject to a lien for all material furnished, labor performed. All actions to enforce any of the provisions of this act shall be brought within two years from the time the cause of action shall have accrued, and justices of the peace shall have jurisdiction to enforce this lien when the amount in controversy does not exceed one hundred dollars.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved November 17, 1871.

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CHAPTER XXXV.

An Act to increase the area and enlarge the boundary of Lamar county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the portion of territory situate on the north side of the Sulphur Fork of Red River, and originally constituting the northeast corner of Hopkins county, and which is bounded as follows, to-wit: Beginning at the southeast corner of Lamar county, running thence south with the original east boundary line of Hopkins county to a point in the middle of the main stream of the Sulphur Fork, thence up the main channel of said stream to the junction of the north fork of said Sulphur with the south fork thereof, thence up the main channel of the north fork of the Sulphur to the point where the south boundary line of Lamar county crosses said stream; and thence with said south boundary line of Lamar county to the beginning, be and the same is hereby attached to Lamar county, and the same shall hereafter constitute a part of said Lamar county.

Sec. 2. That this act shall take effect from its passage, and all laws and parts of laws in conflict with it be and the same are hereby repealed.

Approved November 17, 1871.

CHAPTER XXXVI.

An Act to encourage the holding of industrial fairs by exempting certain property from taxation.

Section 1. Be it enacted by the Legislature of the State of Texas, That the property owned and used by any company or association of persons within this State, whose object and purposes is to hold fairs for the exhibitions of the productions of industry, is hereby exempted from all taxation.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed November 22, 1871.

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The foregoing act, received in the office of Secretary of State December second, one thousand, eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER XXXVII.

An Act to repeal sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an Act entitled An Act regulating public printing, approved August 13, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an act entitled "An act regulating public printing," be and the same are hereby repealed.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed November 24, 1871.

The foregoing act, received in the office of Secretary of State December five, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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CHAPTER XXXVIII.

An Act to amend an Act entitled an Act prescribing the times of holding the district courts in the several judicial districts of the State, approved August 10, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section eighteen of the above entitled act be amended so as to hereafter read as follows, to-wit:

Sec. 18. That the district courts of [the] Seventeenth Judicial District shall be holden at the times hereinafter specified, to-wit: In the county of Goliad on the first Mondays in February, June and October, and may continue in session two weeks; in the county of Bee on [the] third Mondays in February, June and October, and [may] continue in session one week; in the county of Live Oak on the fourth Mondays in February, June and October, and may continue in session two weeks; in the county of Karnes on the second Mondays in March, July and November, and may continue in session two weeks; in the county of Wilson on the fourth Mondays in March, July and November, and may continue in session one week; in the county of De Witt on the first Mondays in April, August and December, and may continue in session until the business is disposed of. That for judicial purposes the counties of McMullen and La Sal[le] shall be attached to the county of Live Oak, and all process of said courts issued, returnable to the terms thereof next ensuing after this act becomes a law, shall be returnable to the terms herein prescribed.

Approved November 25, 1871.

CHAPTER XXXIX.

An Act to amend an Act entitled An Act to provide for districting the State of Texas into Judicial Districts approved July 2, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section seventeen of the above entitled act be so amended as to hereafter read as follows, to-wit: The Seventeenth

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Judicial District shall be composed of the counties of Goliad, Bee, Live Oak, Karnes, Wilson and De Witt; and for judicial purposes the unorganized counties of McMullen and La Sal[le] shall be attached to the county of Live Oak."

Approved November 25, 1871.

CHAPTER XL.

An Act making an appropriation for printing five hundred copies of the rules reported for the Supreme and District Courts, and five hundred copies of the circular letter of the clerk of the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the printing of five hundred copies of the rules reported for the Supreme and district courts, and five hundred copies of the circular letter of the Clerk of the Supreme Court, to the end that said rules may be circulated among the members of the legal profession of the State before their final adoption by the Supreme Court.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 25, 1871.

CHAPTER XLI.

An Act to amend the twenty-second section of an Act to provide for districting the State of Texas into Judicial Districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the twenty-second section of "An act to provide for the districting the State of Texas into Judicial Districts," approved July 2, 1870, shall hereafter read as follows, to-wit: The twenty-second District shall be composed of the counties of Caldwell, Gonzales and Guadalupe.

Sec. 2. That this act take effect from and after passage.

Approved November 25, 1871.

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CHAPTER XLII.

An Act to amend the twenty-third section of An Act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the twenty-third section of "An act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, shall hereafter read as follows: That the district courts of Twenty-second Judicial District shall be holden at the times hereinafter specified, to-wit: In the county of Caldwell on the first Mondays in January, April and September, and may continue in session four weeks; in the county of Gonzales on the first Mondays in February, May and October, and may continue in session four weeks; in the county of Guadalupe on the first Monday in March, June and November, and may continue in session four weeks; provided, this act shall not take effect as to the times of holding the district courts in Gonzales and Guadalupe counties until after the adjournment of the next ensuing terms in the said counties of Gonzales and Guadalupe.

Sec. 2. All process issued by or from said district courts is hereby made returnable in conformity to the provisions of this act, and that this act take effect from and after its passage, except as hereinbefore provided for the counties of Gonzales and Guadalupe.

Approved November 25, 1871.

CHAPTER XLIII.

An Act to muster into service minute men for the protection of the frontiers.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be mustered into the service of the State, twenty-four companies of minute men, for the protection of the frontier from the raids of the Indians and other marauding parties. The term of service to be for twelve months from the day of general muster; each company to consist of one lieutenant, to be elected by the company, two sergeants, two corporals and fifteen

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men, to be stationed in each of the following counties, to wit: Montague, Cook, Wise, Jack, Parker, Palo Pinto, Erath, Comanche, Brown, San Saba, Hamilton, Lampasas, Burnet, Llano, Mason, Gillespie, Blanco, Kerr, Kendall, Bandera, Medina, Uvalde, Maverick and Webb.

Sec. 2. That the minute companies, organized by virtue of this act, shall at all times hold themselves in readiness to meet and repel an Indian raid, or depredations on the frontier counties of the State.

Sec. 3. That it shall be the duty of the Governor of the State, to see that the minute companies are provided with arms and ammunition suitable to this service.

Sec. 4. That the minute companies, shall not be called into the field at any other time than in this act is provided, unless the officer in command shall receive notice that there is, or unless there is a strong probability of a Indian or other marauding raid, or unless he shall receive notice from the officer commanding an adjoining post, that his services are required in the field.

Sec. 5. That the minute companies shall receive the sum of two dollars per diem, for the time actually taken in the field in guarding the frontier; but the time shall in no case exceed ten days in any one calendar month; and no person shall be entered as of any of the said minute men, unless he is an inhabitant of the county, or the county adjoining.

Sec. 6. That the officer in command of a minute company shall keep up his communications with the minute companies adjoining, and he shall be allowed to expend not more than thirty dollars per month in this service; but he shall not receive pay, unless he shall present vouchers for the amount, per month, expended in this service, therein specifying the party performing service, and the nature thereof; and no money shall be paid from the Treasury of the State unless proper vouchers are had.

Sec. 7. That the pay of the minute companies organized by virtue of this act shall come out of the balance (after paying off the ranger companies now in service) of the money now in the hands of the Governor, the proceeds of the hypothecation of the bonds issued for the frontier defence by an act, approved August 5, 1870, and should there be a balance remaining of the said moneys after paying off said ranger companies, and the minute men organized by virtue of this act, for twelve months service, then the remainder of the moneys if any, shall be paid over by the Governor into the State Treasury, to be applied to the future protection of the frontier.

Sec. 8. That every minute man shall provide himself with a good and sufficient horse, such as the officer in command of compa-

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ny shall accept as suitable for the service, and if any minute man's horse shall be killed, prematurely disabled, or unavoidably lost in action, the same shall be paid for by the State; the amount to be assessed by the three highest officers in command not interested in the award: that the commanding officer in charge shall make a monthly report to the Governor of the State, of his command, and the nature of the services performed.

Sec. 9. That should marauding companies or Indians succeed in seizing any property of the frontier citizens, the same on identification, shall be delivered up to the owners free of all charge; and should there be any cost incurred in taking charge thereof, the cost shall be borne by the State. But should there be no owner found for property taken, the same shall be divided amongst the captors, share and share alike.

Approved November 25, 1871.

CHAPTER XLIV.

An Act to amend an Act entitled An Act to provide for districting the State of Texas into Judicial Districts, approved July 2, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section sixteen of the above entitled act be so amended as hereafter to read as follows, viz:

Sec. 16. The Sixteenth District shall be composed of the counties of Calhoun, Victoria, Nueces, Refugio, Aransas and San Patricio, and for judicial purposes, the unorganized county of Duval shall be attached to the county of Nueces.

Sec. 2. That this act be in force from its passage.

Approved November 25, 1871.

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CHAPTER XLV.

An Act to amend an Act entitled An Act prescribing the times of holding the District Courts in the several judicial districts of the State, approved August 10, 1870.

Be it enacted by the Legislature of the State of Texas, That the seventeenth section of the above entitled act be so amended as hereafter to read as follows, viz:

Sec. 17. That the district courts of the Sixteenth Judicial District shall be holden at the times hereinafter specified, to-wit: In the county of Victoria on the second Mondays in September and January, and third Monday in April, and may continue in session three weeks; in the county of Calhoun on the third Mondays after the second Mondays in September and January, and third Monday in April, and may continue in session two weeks; in the county of Refugio on the fifth Mondays after the second Mondays in September and January, and third Monday in April, and may continue in session one week; in the county of Aransas on the sixth Mondays after the second Mondays in September and January, and third Monday in April, and may continue in session one week; in the county of San Patricio on the seventh Monday after the second Mondays in September and January, and third Monday in April, and may continue in session one week; in the county of Nueces on the eighth Monday after the second Mondays in September and January, and third Monday in April, and may continue in session three weeks. That for judicial purposes, the county of Duval shall be attached to the county of Nueces. This act shall take effect and be in force from its passage, and all process of said courts, issued returnable to the terms thereof next ensuing after the passage of this act, shall be returnable to the terms herein prescribed.

Approved November 25, 1871.

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CHAPTER XLVI.

An Act making an appropriation of seventeen thousand dollars for the better protection of the public buildings and archives of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That seventeen thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be applied as follows, to-wit: Eleven thousand dollars, or so much thereof as may be necessary to complete the artesian well and build two new cisterns in the capitol yard; six thousand dollars, or so much thereof as may be necessary, to purchase a first class steam fire engine.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 25, 1871.

CHAPTER XLVII.

An Act authorizing the transcription of the surveyor's records of Comanche county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Comanche county be and it is hereby authorized to have the surveyor's records of said county transcribed; that the person selected by said county court to make such transcription shall be required to take an oath before commencing the duty of transcribing such records, that he will make a true copy of the original books. That it shall be the duty of said county court to examine the transcription of said records, and if found correct to make an order of court and have it entered on record, adopting the transcription of said records. That after the adoption of the transcription by the county court it shall have the same force and effect as the original records.

Sec. 2. That the person selected by the county court shall receive such pay for making such transcription as may be allowed by

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said court, not to exceed, however, the amount of fifteen cents for each one hundred words transcribed.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved November 25, 1871.

CHAPTER XLVIII.

An Act to amend an Act prescribing the times of holding the courts in the several judicial districts in the State, approved August 18, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the above recited act be, and the same is hereby so amended as to read as follows:

Sec. 3. That the district courts of the Third Judicial District shall be holden at the times hereinafter specified, to-wit: In the county of Polk on the first Mondays in October, February and June, and may continue in session three weeks; in the county of Tyler on the fourth Mondays in October, February and June and may continue in session three weeks; in the county of Jasper on the third Mondays in November, March and July, and may continue in session three weeks; in the county of Newton on the third Mondays in December, April and August, and may continue in session three weeks.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 25, 1871.

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CHAPTER XLIX.

An Act to amend section two hundred and twenty-eight of an Act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two hundred and twenty-eight of the above entitled act shall hereafter read as follows, viz.:

Sec. 228. When the deceased shall have entered into any contract for the conveyance of real property which was not executed during his lifetime, and shall not have given power by will to carry the same into execution, or such power has been annulled under section one hundred and fifty-seven, the party wishing a specific performance must bring his suit in the district court where administration is pending against the executor or administrator; and the judgment in such suit shall be as conclusive as if the heirs or devisees had been made parties.

Sec. 2. That this act shall take effect from and after its passage.

Approved November 25, 1871.

CHAPTER L.

An Act to encourage the manufacture of cotton and wool in this State.

Section 1. Be it enacted by the Legislature of the State of Texas, That for the purpose of encouraging the manufacture of cotton and wool in this State, the entire capital stock and property employed and used in the manufacture of cotton and woolen products from the raw material, in this State, shall be exempt from the payment of all taxes thereon, of whatever name and nature, including State, county, town, city and municipal taxes, for the period of five years after the passage of this act. The person or persons engaged in the manufacture of cotton or wool, as before recited, shall also be exempt from any occupation tax, by reason of such manufacture, for the said period of five years.

Sec. 2. That this act shall take effect from and after the first day of January, A. D. 1872, and shall continue in force for the period of five years thereafter.

Approved November 25, 1871.

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CHAPTER LI.

An Act to authorize a special term of the district court within and for the county of Houston, Third Judicial District, State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Honorable L. W. Cooper, Judge of the Third Juconflict with previous claims patent has been withheld or refused by hold a special term of the District Court within and for the county of Houston, commencing on the fourth Monday in August, A. D. 1872, and may continue said special session for five weeks.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved November 25, 1871.

CHAPTER LII.

An Act to authorize the lifting or floating of valiid land certificates in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever the field notes of a survey have been returned to the General Land Office, and for any cause other than conflict with previous claims patent has been withheld or refused by the Commissioner of the General Land Office it shall be lawful for the rightful claimant of the certificate located on such obstructed survey at any time after six months from the time such survey was filed in the General Land Office, by his written statement deposited with the Commissioner to abandon said survey and surrender all claim thereto by reason of the file entry and survey made by him and to receive from the Commissioner the Certificate on which the same was based; and it shall be the duty of the Commissioner to endorse upon the said certificate that said survey has been abandoned and that the same may be located on any vacant and unappropriated land, and such certificate so returned to the claimant

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shall have the same validity as if the file entry and survey above described, had never been made.

Sec. 2. Be it further enacted that this act shall be in force from its passage.

Passed November 27, 1871.

The foregoing act, received in the office of Secretary of State December sixth, one thousand, eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LIII.

An Act in relation to county bridges.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever any stream is the division line between counties of this State, or when two or more counties are jointly interested in bridges, it shall be lawful for the counties so divided or interested to jointly erect bridges over said dividing stream upon such equitable terms as the county court of each county interested may agree upon.

Sec. 2. That wherever county bonds have been or may hereafter be issued, for the purpose of building bridges, it shall be lawful for the county courts of the county or counties interested to assess and collect tolls on said bridges sufficient to pay the interest on bonds so issued; and, if thought proper, sufficient to pay the interest and create a sinking fund with which the pay the principal at maturity, all of which shall be done under such rules and regulations as the county courts of the counties interested may prescribe.

Sec. 3. This act to take effect and be in force from its passage.

Approved November 28, 1871.

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CHAPTER LIV.

An Act permanently establishing the county seat of Menard county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the town of Menardville, in the county of Menard, be and the same is hereby permanently established as the county seat of the said county of Menard.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved November 28, 1871.

CHAPTER LV.

An Act suphlementary to an Act supplementary to an Act supplementary and amendatory of an Act to regulate railroad companies, approved February 7, 1853, approved December 19, 1857.

Section 1. Be it enacted by the Legislature of the State of Texas, That the same proceedings may be had by and before a judge of the district court as are authorized to be had by and before the chief justice of the county, under the provisions of the second section of the act of December 19, 1857, to which this act is supplementary: and the commissioners that are authorized to be appointed under the provisions of the second section of said act of December 19, 1857, may, when proceedings are had by and before a district judge be sworn before any officer of the State who is authorized to administer oaths.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved November 28, 1871.

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CHAPTER LVI.

An Act amendatory of section two of an Act for ceding to the United States jurisdiction of certain lands in this State for public purposes, approved December 19, 1849.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two of "An act for ceding to the United States jurisdiction of certain lands in this State for public purposes," approved December 19, 1849, be so amended that hereafter it shall read as follows: If the Executive officer or other authorized agent employed by the United States to make such purchase or purchases, and the owner or owners of the land or lands, contemplated to be purchased as aforesaid, cannot contract or agree for the sale and purchase thereof, it shall be lawful for such officer, or other agent, to apply in writing to the judge of the district court of the court in which such land or lands, or the greater portion thereof, may be situated, to estimate the value of such land or lands in the manner hereinafter mentioned, and to order a conveyance of the same to the United States for the purposes aforesaid; whereupon it shall be the duty of said judge, and he is hereby authorized and empowered, after reasonable notice given to said owner or owners, their legal representatives or guardians, to hear and finally determine the value of the land or lands in question by a competent jury, under oath, to be summoned by the sheriff or the proper officer of said court, for that purpose, or by a committee of three persons, such as shall be agreed upon and appointed by the parties aforesaid, such committee if agreed on and appointed as aforesaid, to be duly sworn faithfully and impartially to value the land or lands last aforesaid, and the value thereof being thus ascertained to the satisfaction of said judge after survey thereof, duly made under the direction of himself, or by consent of said parties, and after such other proceedings in the premises as he shall deem right and proper he shall order and decree the same to be conveyed in due form to the United States, to be held, owned and possessed by them for the purposes aforesaid and none other; provided, that the amount of such valuation with the reasonable costs of such owner or owners attending such proceedings shall be paid to him, her or them, or into said court for his, her or their use before execution or record of such conveyance, and; provided moreover, that if it shall appear to said judge, upon objection made by such

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owner or owners, their representatives or guardians, that the quantity of any given tract, parcel or extent of land sought to be purchased as aforesaid is greater than reasonable, he may, in his discretion, refer the matter of such objection to the Governor of this State for his determination, and, provided further, that if the Executive officer, or other authorized agent employed by the United States to make such purchase as contemplated in this act, shall desire to purchase any land or lands owned by private party or parties and not situated within the limits of any county in this State, then, in such case, upon application being made by the said officer or agent of the United States, to the Governor of this State, it shall be the duty of the Governor to designate the district judge have jurisdiction over the organized county nearest to the land or lands whose purchase is thus sought; whereupon, it shall be lawful for the said officer or agent of the United States to institute proceedings before the said judge in the county nearest to the said land or lands for the conveyance of the same to the United States for the purposes aforesaid, and it shall be the duty of the said judge, and he is hereby authorized and empowered to proceed in all things necessary to the correct valuation and to the conveyance to the United States, of said land or lands as if the same were situated within the county wherein proceedings had been instituted therefor, and the said judge shall order and decree the conveyance in due form to the United States, of such land or lands to be held, owned and possessed by the United States for the purposes aforesaid and none other.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved November 28, 1871.

CHAPTER LVII.

An Act supplemental to an Act in relation to the location, survey and return of genuine land certificates, passed April 25 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all cases of the location and survey of lands, by virtue of any genuine land certificate, including Headrights of the first second and third class. Bounty warrants, scrip, and all other

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valid land certificates, warrants and scrip the certificate by virtue of which the location and survey is made, shall be returned to the General Land Office, with the field notes, within the time prescribed by law for returning field notes; and the withdrawal of such certificate from the General Land Office, shall render such location and survey null and void; provided, that when a certificate has been located in part, and returned to the General Land Office, the party owning or controlling such certificate, may withdraw the same for the purpose of locating the unlocated balance thereof, and it shall be the duty of the Commissioner of the General Land Office to endorse on every certificate thus withdrawn the amount of land already located, of which field notes have been returned and are on file in the General Land Office, and such withdrawal shall not in any manner impair the validity of the location.

Sec. 2. That in all locations and surveys of land heretofore made by virtue of any such Certificate, as is specified in the first section of this act, and in which the field notes have been returned to the General Land Office and the Certificate by virtue of which the survey was made is not on file in the General Land Office, nor has been withdrawn for location of unlocated balance as is provided in the first section of this act, such certificate shall be returned to, and filed in the General Land Office within eight months from the passage of this act, or the location and survey made by virtue thereof, shall be null and void. And in all locations heretofore made in which the field notes have not been returned to the General Land Office, they shall be so returned within the time prescribed by law and shall be accompanied by the certificate by virtue of which the survey was made, or such location and survey shall be null and void.

Sec. 3. That in all cases when the field notes or surveys of land heretofore made have been from any cause withdrawn from the General Land Office, the same shall be returned to said office within twelve months after the passage of this act, or such survey or surveys shall be null and void. And in all cases when field notes shall hereafter be withdrawn from the General Land Office, the same shall be returned thereto within twelve months from the date of withdrawal, or such survey or surveys shall be null and void.

Sec. 4. That it shall be the duty of the Commissioner of the General Land Office immediately after the passage of this act to forward a copy of the same to each and every surveyor in the State.

Sec. 5. That this act shall take effect and be in force from its passage.

Approved November 29, 1871.

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CHAPTER LVIII.

An Act amendatory of and suaplemental to an Act to give effect to the several provisions of the Constitution concerning taxes, approved April 22, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section thirty of "An act to give effect to the several provisions of the Constitution concerning taxes," be and the same is hereby amended so as to read as follows:

Section 30. Where the assessment for all the precincts of a county is made by a deputy of the justices thereof, who is bonded, he shall be allowed and paid a commission of five per cent. on the first five thousand dollars of taxes lawfully assessed by him, and three per cent. on all sums above five thousand dollars, half the above rates to be allowed for assessing other taxes than the direct ad valorem State tax; provided, however, that counties may allow a commission not to exceed that allowed on the direct ad valorem State tax. When any justice of the peace assesses in person or by deputy, who is not also the deputy of the other justices of the county, the above named commission shall be allowed and paid him. Sheriffs or their deputies shall be allowed and paid for distraints under this act what they are allowed and paid for like services in civil suits, and shall also be allowed and paid mileage at the rate of twenty cents per mile for every mile actually and necessarily traveled by them in going to and returning from the capital in order to settle their accounts and pay into the Treasury the taxes collected by them; they shall be allowed and paid commission for collecting all State, occupation and direct ad valorem taxes, five per cent. on the first five thousand dollars, and three per cent. on all sums above five thousand dollars, and shall be allowed and paid one-half of the above rates for collecting all other taxes. The commissions above described, to which justices of the peace are entitled for assessing, together with the commissions of sheriffs for collecting the taxes, shall be paid out of the general revenue; provided, nevertheless, that when the total compensation for assessing or for collecting in any county shall exceed the sum of four thousand dollars, the excess shall be paid into the State Treasury, and shall be applied in like manner with the direct ad valorem tax.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved November 29, 1871.

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CHAPTER LIX.

An Act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to defray the printing and contingent expense of the Twelfth Legislature of the State of Texas, said appropriation to be in proportion of thirteen thousand dollars for the House of Representatives and seven thousand for the Senate.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 29, 1871.

CHAPTER LX.

An Act supplementary to and amendatory of an Act entitled An Act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871 .

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act be so amended as hereafter to read as follows, viz.: Clause 1. The Board of Education shall, upon the passage of this act proceed to apportion anew the territory of this State into convenient educational districts, not to exceed twelve in number; provided, that nothing in this clause dhall be construed as to prohibit said board hereafter from consolitating or otherwise changing or altering the boundaries of said disricts for educational purposes. Clause 2. And as soon as the educational districts contemplated in the foregoing clause shall be created, it shall be the duty of Superintendent of Public Instruction to retire or relieve from duty each supervisor of education heretofore appointed and commissioned as such; and the said

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Superintendent is hereby authorized to appoint, with the approval of the Governor, for each newly created district, one supervisor of education, who shall hold his office for the term of four years from the date of his commission, unless sooner removed by said Superintendent, for cause, on the approval of the Governor; and the supervisor may act as examiner of teachers. Clause 3. And each supervisor so appointed shall receive for his services, out of any moneys belonging to the available school fund not otherwise appropriated, first, a salary of eighteen hundred dollars per annum; second, all expenses for postage; and third, all traveling expenses necessarily incurred while employed in the actual discharge of the duties of his office; provided, that the amount of the above mentioned expenses shall not exceed the sum of two hundred dollars, on voucher to be approved by the Superintendent of Public Instruction, during any one scholastic year. Clause 4. And the supervisors herein provided for shall be empowered to lay off and subdivide the counties in the territory under their jurisdiction into convenient school districts; and they shall also appoint, on the approval of the Superintendent of Public Instruction, five directors for each school district; but the authority of the said supervisors in the management, control and oversight of their respective districts shall be subject to the control, direction and revision of the said Superintendent; and it shall be the further duty of the said supervisors to enforce in their respective districts all rules and regulations adopted by the Board of Education for the government of the public free schools in this State.

Sec. 2. Be it further enacted, That the unexpended balance of the deficiency appropriation for the scholastic year ending on the thirty-first day of August, 1871, be and the same is hereby added to and made a part of the appropriation for the scholastic year ending thirty-first day of August, 1871,* and to be apportioned as required by section one of the above cited act.

Sec. 3. That the Superintendent of Public Instruction, with the approval of the Governor, shall make requisition from time to time for such sums of money as may be necessary to pay the teachers and employés of the Bureau of Education, out of any funds in the Treasury appropriated for that purpose, which shall be sufficient authority for the Comptroller to issue a warrant therefor,

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and the Superintendent of Public Instruction shall, on disbursing each requisition, file his vouchers with the Comptroller of Public Accounts.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved November 29, 1871.

CHAPTER LXI.

An Act to amend section one and to repeal section six of an Act to authorize county courts to levy a road tax and to improve roads and bridges, passed August 4, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of "An act to authorize county courts to levy a road tax and to improve roads and bridges," passed August 4, 1870, be so amended that hereafter it shall read as follows, viz.:

Sec. 1. Be it enacted by the Legislature of the State of Texas, That the county courts of the several counties of this State, are hereby authorized to appropriate the annual taxes collected in their respective counties for public roads and bridges, to the building of bridges and the improvement of the first class public roads in their respective counties; said roads to be classed by said county courts.

Sec. 2. That section six of the act before recited, be and the same is hereby repealed.

Sec. 3. That this act shall take effect and be in force from and after its passage; provided, that it shall be lawful for the proper officers to collect the tax provided for in the section hereby repealed, in all cases where the same had been assessed prior to the passage of this act.

Approved November 29, 1871.

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CHAPTER LXII.

An Act to repeal sections one, two and three of an Act providing for the payment of the outstanding indebtedness of the several counties, passed July 21, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections one, two and three of "An act providing for the payment of the outstanding indebtedness of the several counties," passed July 21, 1870, be and they are hereby repealed.

Sec. 2. That this act shall take effect and be in force from and after its passage; provided, that it shall be lawful for the proper officers to collect and to expend, for the purpose expressed in the act before recited, all taxes assessed in accordance with the said act prior to the passage of this act.

Approved November 29, 1871.

CHAPTER LXIII.

An Act to regulate the practice in the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any party to the record, in any cause now pending in, or hereafter taken to the Supreme Court, by appeal or writ of error, shall have died heretofore, or shall hereafter die, after the appeal bond has been filed and approved, or after the writ of error has been served, and before such cause has been decided by the Supreme Court, such cause shall not abate by such death, but the Supreme Court shall proceed to adjudicate such cause, and render judgment therein as if all the parties thereto were still living, and such judgment shall have the same force and effect, as if rendered in the lifetime of all the parties thereto; provided, however, that this act shall not apply to any suit or action in which the cause of action does not survive in favor or against the legal representatives of a deceased person.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved November 29, 1871.

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CHAPTER LXIV.

An Act supplementary to the Act entitled an Act to adopt and establish a penal code for the State of Texas, approved, twenty-eighth of August, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That every person, or a member of a firm, or corporation, subject to the payment of an occupation tax, who shall neglect or fail, after having been duly notified by any officer charged with the collection of any such occupation tax, to comply with any one of the several provisions of an act, entitled an act to give effect to the several provisions of the Constitution concerning taxes, approved April 22, 1871, concerning occupation tax, shall be deemed guilty of a misdemeanor, and shall on conviction, on indictment, or information, be punished by a fine of not less than five, nor more than one hundred dollars.

Sec. 2. Any officer who is charged by law with the assessment or collection of taxes, who shall fail to comply with any one of the requirements of the law concerning taxes, shall be deemed guilty of a misdemeanor, and shall upon conviction on information, be punished by fine, not less than five nor more than one hundred dollars.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER LXV.

An Act Making Appropriations for the Support of the State Government for Deficiencies for the Fiscal Year Beginning September 1, 1871, and ending August 31, 1872.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the support of the State government and for deficiencies incurred in the support of the State government for the fiscal year beginning September 1, 1871, and ending August 31, 1872:

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Executive Department.

Deficiences.

For postage, stationery and contingent expenses, one thousand dollars $1,000 00

State Department.

Deficiencies.

For printing laws and journals of Twelfth Legislature, three thousand six hundred dollars	$3,600 00
For printing 1,000 copies Treasury report, two hundred and forty dollars	240 00
For printing 1,000 copies Adjutant General's report, four hundred and sixty-three dollars and thirty-five cents..	463 35
For printing 1,000 copies Secretary of State's report, two hundred and forty-six dollars and sixty-five cents	246 65
For printing 1,000 copies Commissioner of General Land Office's report, ninety-nine dollars and ninety-five cents	99 95
For printing 1,000 copies Deaf and Dumb Asylum Report, eighty-three dollars and thirty cents	83 30
For printing 1,000 copies Superintendent Immigration's report, thirty-three dollars and thirty cents	33 30
For printing 1,000 copies Blind Asylum report, twenty-six dollars and sixty-five cents	26 65
For printing 1,000 copies Lunatic Asylum report, two hundred and ten dollars	210 00
For printing 1,000 copies Penitentiary report, three hundred and forty-three dollars and thirty-five cents	343 35
For printing 1,000 copies Attorney General's report, nine hundred and forty-six dollars and fifty cents	946 50
For printing 200 copies Superintendent Lunatic Asylum report, one hundred and fixty-six dollars and fifty cents.	156 50
For printing 1,000 copies additional Trustees Blind Asylum report, eighty dollars	80 00
For printing laws and journals Twelfth Legislature, adjourned session, eight thousand dollars	8,000 00
For advertising tax law, four thousand dollars, four thousand dollars	4,000 00
For stationery, postage and contingent expenses, five hundred dollars	500 00

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School Department.

For traveling expenses and mileage, one thousand dollars $1,000 00
For furnishing office of Superintendent Public Instruction, twelve hundred dollars 1,200 00
For postage, telegraphing, wood and contingent expenses, two thousand dollars 2,000 00

Sec. 2. That this act take effect from and after its passage.

Approved December 1, 1871.

CHAPTER LXVI.

An Act further prescribing the time of holding the terms of the district courts in the eighth judicial district.

Section 1. Be it enacted by the Legislature of the State of Texas, That the term of the district court shall be holden in the county of Delta on the fourth Mondays of December, April and August of each year, and may continue in session two weeks.

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed, and this act shall take effect from its passage.

Approved December 1, 1871.

CHAPTER LXVII.

An Act to authorize the surveyor of Johnson county to transcribe certain books in his office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county surveyor of Johnson county be and is hereby authorized to transcribe record book C., and file book A., into suitable books for that purpose, and that he be allowed such compensation as is allowed for similar services by law out of any money in the county treasury not otherwise appropriated.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

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CHAPTER LXVIII.

An Act to repeal section seven (7) of an Act to give effect to the several provisions of the constitution concerning taxes, approved April 22, 1871, as amended by an Act amendatory of and supplemental to an Act to give effect to the several provisions of the Constitution concerning taxes, approved April 25, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section (7) of "An Act to give effect to the several provisions of the Constitution concerning taxes," approved April 22, 1871, as amended by "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,'" approved April 25, 1871, be and the same is hereby repealed.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER LXIX.

An Act validating certain land certificates.

Section 1. Be it enacted by the Legislature of the State of Texas, That all land certificates issued by the Commissioner of the General Land Office by authority of the act of February 11, 1858, and acts amendatory thereof of February 1, 1860, and January 1, 1862, and in conformity therewith, are hereby validated so far as said certificates may be invalid by reason of having been issued subsequent to February 1, 1861.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

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CHAPTER LXX.

An Act to amend section nineteen of an Act to regulate ferries, approved January 23, 1850.

Section 1. Be it enacted by the Legislature of the State of Texas, That section nineteen of "An act to regulate ferries," approved January 23, 1850, be and it is hereby amended so that hereafter it shall read as follows:

Sec. 19. If any water course, navigable stream, lake or bay shall form a portion of the boundary of any county, so that one bank shall be in one county and the other in a different county, at the place where it is proposed to establish a ferry, or where a ferry has been established, the application for a license shall be made to the county court of the county wherein the applicant resides or has his ferry house, and upon the granting of such license by the said court, the person or persons so licensed shall have the right to own and operate a ferry upon the same terms and conditions and with the same rights and privileges as are provided by this act for the owners or keepers of ferries operated exclusively in one county, and no county tax shall be assessed and collected upon a ferry by any other county court than the one granting the license therefor.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER LXXI.

An Act to amend section thirty-four of an Act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section thirty-four of "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870, shall be so amended as hereafter to read as follows:

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Sec. 34. A regular term of the county court shall commence and be held at the court house of each county in the State on the last Mondays in January, March, May, July, September and November in every year, for the transaction of all business growing out of or connected with the powers and jurisdiction of said court; such terms shall be held by the presiding justice, with the assistance of any two or more of the other justices, and may continue for three or more days; and special terms of said court may be held in like manner and for like purposes, as provided for in this section, at such other times as the presiding justice may appoint; provided, however, that no county tax shall be levied, unless at some one of the regular terms of said court. The justices of the peace, when sitting at any regular term of the county court, shall receive a compensation of four dollars a day; provided, however, that they shall not be entitled to compensation for more than four days at any one regular session, and no compensation shall be allowed when holding a special session. Their compensation shall be drawn from the county treasury.

Sec. 2. This act shall take effect and be in force from and after its passage, and all laws in conflict herewith be and the same are hereby repealed.

Approved December 1, 1871.

CHAPTER LXXII.

An Act to provide for the division of the records in Refugio and Aransas counties and their transfer to their proper counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the district clerk of Aransas county, be and he is hereby authorized and required to immediately make a division of the cases on the court docket in his office, and transfer them to the proper county in which the defendants reside; provided, the same be civil cases, but in all criminal actions, the cases shall be transferred to the county in which the offenses were committed, and the jurisdiction of the court of the county shall attach in accordance with such division and transfer.

Sec. 2. That all the books and records properly belonging to Refugio county, shall be immediately turned over and delivered by the officers of Aransas to the proper officer or officers of said county of

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Refugio, when elected or appointed, on demand; whose duty it shall be to take charge of the same and remove them to the county seat of Refugio county and keep the same in the proper offices to be provided by the county court of said county.

Sec. 3. That all writs and process issued shall be returnable to the court of the county whose jurisdiction attaches, and shall have full force and effect therein.

Sec. 4. That the district clerk having in charge the books and records of Refugio county, shall immediately transcribe from them in the proper manner, such records as are absolutely essential to the successful transaction of the business of the courts of Aransas county, for which he shall be paid a reasonable compensation by the county of Aransas.

Sec. 5. That it shall be the duty of the county court of said county of Aransas to examine all copies of records made under the provisions of this act and if found to be correct they shall certify to the same, and such certified copies shall have all the force and effect of the originals in all the tribunals of the State.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER LXXIII.

An Act Amendatory of Section 5 of An Act to Give Effect to the Several Provisions of the Constitution Concerning Taxes, Approved April 22, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section five of "An act to give effect to the several provisions of the Constitution concerning taxes," approved April 22, 1871, be so amended that hereafter it shall read as follows: An annual direct ad valorem tax of one-eighth of one per centum shall be levied, on the value of all property subject to taxation thereby for public roads and bridges, to be applied by the county courts, subject to such regulations as the Legislature may prescribe.

Sec. 2 That this act shall take effect and be in force, from and after its passage; provided, that it shall be lawful for the proper officers to collect the one-fourth of one per centum provided for in this section to which this act is an amendment, in all cases where the same had been assessed, prior to the passage of this act.

Approved December 1, 1871.

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CHAPTER LXXIV.

An Act to Repeal An Act to Authorize the Police Courts of Counties to Levy and Collect a Special Tax for the Repair and Completion of Puclic Buildings, Passed August 5, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That "An act to authorize the police courts of counties to levy and collect a special tax for the repair and completion of public buildings," passed August 5, 1870, be and the same is hereby repealed.

Sec. 2. That this act shall take effect and be in force from and after its passage; provided, that it shall be lawful for the proper officers to collect and expend for the purposes expressed in the act hereby repealed all taxes assessed in accordance with the provisions of the said act prior to the passage of this act.

Approved December 1, 1871.

CHAPTER LXXV.

An Act to Amend An Act entitled An Act to Regulate the Times of Holding the Courts in the Eleventh Judicial District, Approved October, 24, A. D. 1871

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of the above recited act be so amended as to hereafter read as follows:

Section 1. That the District Courts of the Eleventh Judicial District, shall be begun and holden as follows: In the county of Fannin, on the first Mondays in January, May and September, and may continue in session four weeks: in the county of Hopkins on the first Mondays in February, June and October, and may continue in session three weeks; in the county of Hunt on the fourth Mondays in February, June and October, and may continue in session three weeks; in the county of Collin, on the third Mondays in March, July and November, and may continue in session four weeks.

Sec. 2. That this act take effect from and after its passage.

Approved December 1, 1871.

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CHAPTER LXXVI.

An Act Further Regulating Juries.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter all the qualified voters of each county shall be qualified jurors of such county; provided, that every person hereafter convicted of bribery, perjury, forgery, or other felony or high crime, shall be excluded from serving on juries, and provided further, that all persons shall be exempt from jury service, as is now provided by law.

Sec. 2. Each county court in this State shall, immediately after the passage of this act, and at least twenty days before the first day of the next ensuing term of the district court to be held for their county, prepare a list of all the qualified voters of their respective counties, which list shall be copied in a well bound book by the clerk of the district court, and said county court shall place tickets, with the names of the voters thereon, separately in a suitable box, to be designated "jury box number one;" and shall draw therefrom the names of twenty persons to serve as grand jurors for the next ensuing term of the district court, and twenty-four persons to serve as pettit jurors for each week provided by law for the holding of the district court for their county, and, as they are drawn, the tickets on which their names are written shall be placed in a suitable box, to be designated "jury box number two.;" and said jury boxes and jury books shall, after drawing be turned over to the clerks of the district court respectively, who shall securely keep the same in their respective offices, and who shall be held responsible for the same.

Sec. 3. After the first drawing of jurors, as provided in the foregoing section, grand and petit jurors for service in the district courts shall be drawn in the following manner, to-wit: Under the direction of the district judge, in open court, on one day of the last week of the court, the time to be previously designated by the judge; and not less than fifteen nor more than twenty persons shall be drawn as grand jurors, and twenty-four persons for petit jurors, for each week the district court may be in session, and the names of the persons so chosen, and all the proceedings relating to the drawing of the same, shall be entered by the clerk on the minutes of the court, and whenever the tickets in box number one shall be exhausted, then the contents of box number two shall be placed in box number one, so that the jury service shall be as nearly as possible equalized.

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And in case the district judge shall fail for any cause to hold court, then the county court of each county and the district clerk shall, within thirty days after said failure, draw such jurors in open court, at the court house, after giving five days' public notice of such drawing posted before the court house door, and the names of the jurors drawn, and all the proceedings had in relation thereto before said court, shall be duly entered on the minutes of the district court and signed by the justices and clerk.

Sec. 4. Immediately after any registration of voters in any county of this State, the district judge shall cause the names of all newly registered voters to be placed on separate tickets, which shall be placed in jury box number one, and at any drawing of jurors, if the name of any person shall be drawn who, within the knowledge of the court, is unable by reason of his absence from the county to attend the court, or who has become disqualified to serve as juror since his name was placed in the jury box, or who is privileged by law from serving, the court shall cause the ticket upon which the name of such person is written to be replaced in jury box number one, and another shall be drawn in its stead.

Sec. 5. It shall be the duty of the clerk of the district court, immediately or within five days after the drawing of jurors, as contemplated in sections two and three of this act, has been made, to issue a "venire facias" in due form, as is now required by law, and the sheriff or other officer shall execute the "venire" for jurors, as is now provided by law.

Sec. 6. In civil suits in the district court, each party shall hereafter be entitled to challenge six jurors without showing any cause therefor.

Sec. 7. All other proceedings whatever in relation to juries, their organization, service and compensation, shall remain as is now provided by law; and all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

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CHAPTER LXXVII.

An Act to Punish Certain Offenses Committed on Sunday.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person or persons who shall hereafter labor, or compel, force or oblige his or her employes, workmen or apprentices to labor on the Lord's day, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than ten, nor more than fifty dollars; provided, that household duties, works of necessity and charity shall not be prohibited by this act; and provided further, that this act shall not apply to any work done on plantations and farms that may be necessary to prevent the loss of any crop or crops.

Sec. 2. That nothing in the foregoing section shall be so construed as to apply to the running of steamboats or other water crafts, rail cars, wagon trains, common carriers, or to the delivery of goods by them or the receiving or storing of said goods by the parties or their agents to whom said goods are delivered, or to stages carrying the United States mail or passengers, foundries, sugar mills, or to stock keepers or herders who have a herd of stock actually gathered and under herd, or to persons traveling on the public highway, or ferrymen or keepers of toll bridges, keepers of hotels, boarding houses, restaurants and their servants, keepers of livery stables and their servants; provided, that nothing herein be so construed as to apply to any person who conscientiously believes that the seventh or any other day of the week ought to be observed as the Sabbath, and who actually refrains from business and labor on that day for secular reasons.

Sec. 3. That any person or persons who shall run or be engaged in running any horse races or who shall permit or allow the use of any nine or ten pin alley, or who shall be engaged in match shooting or any species of gaming for money or other consideration, within the limits of any city or town on Sunday, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty nor more than fifty dollars.

Sec. 4. That any merchant, grocer or dealer in wares or merchandise or trader in any lawful business whatsoever, who shall sell or barter on Sunday between the hours of 9 o'clock A. M. and 4 o'clock P. M. within the limits of any city or town, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum of not less than twenty nor more than fifty dollars; pro-

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vided, that nothing contained in this act shall be construed to prohibit the sale of drugs and medicines on Sunday.

Sec. 5. That an act entitled "An act to punish certain offenses committed on Sunday," approved December 16, 1863, and all other laws and parts of laws contrary to or conflicting with the provisions of this act are hereby repealed, and that this act be in force from and after its passage.

Approved December 2, 1871.

CHAPTER LXXVIII.

An Act Authorizing a Loan to Meet Deficiencies in the Revenue of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State is hereby authorized to have engraved the bonds of the State of Texas, to the amount of two millions of dollars, as follows: First—One million of dollars in bonds of the denomination of one thousand dollars each. Second—Five hundred thousand dollars in bonds of the denomination of five hundred dollars each. Third—Five hundred thousand dollars in bonds of the denomination of one hundred dollars each.

Sec. 2. That said bonds shall be payable twenty (20) years from the date thereof, and shall bear interest at the rate of seven per centum per annum, payable semi-annually, viz: on the first day of January and the first day of July of each year, said bonds to have coupons attached for each installment of interest which may become due. The principal and interest of said bonds shall be payable in gold at the Treasury of the State of Texas, or at the city of New York, through such agent or agents as the Governor may select to pay the same.

Sec. 3. That said bonds shall be signed by the Governor and the Treasurer of the State of Texas, and shall be countersigned and registered by the Comptroller with the seal of the State of Texas affixed thereto.

Sec. 4. That the Governor shall appoint an agent in the city of New York, who shall sell the bonds provided for in this act, at such times and in such quantities as the Governor may direct, and the Governor shall cause the proceeds from such sales to be placed in the Treasury of tho State. The Governor is hereby authorized to

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allow the said agent such percentage upon the bonds sold by him as he may find necessary to secure the sale of said bonds to the best advantage for the State; provided, that within ten days after the receipt of information of the sale of any of the bonds provided for in this act, in case the Legislature shall be in session, and otherwise within ten days after the re-assembling of the Legislature, it shall be the duty of the Governor to inform the Legislature by message of the value of the bonds sold, the amount of the moneys received therefor by the State, the name of the agent through whom the bonds were sold, and the per centage allowed such agent upon the bonds so sold.

Sec. 5. That the proceeds from the sale of said bonds shall be applied exclusively to the payment of claims upon the State, arising from appropriations made by law, to the payment of interest due and to become due upon the public debt of the State, and to constitute the sinking fund required by the Constitution and laws of the State, for the redemption of the principal of the public debt of the State, in any case where no other adequate provision shall have been made therefor.

Sec. 6. That the Treasurer of the State shall be and he is hereby authorized and required each year to reserve and set apart from the first moneys received into the Treasury from taxes for the support of the State Government, and from loans made by the State an amount of money sufficient to pay the semi-annual interest which may become due upon the bonds sold under the provisions of this act, and also to create a sinking fund of two per centum for the redemption of the principal of the said bonds so sold. In accordance with section twenty-three, of article twelve, of the Constitution of the State, all the provisions of this section shall be irrepealable until the principal and interest of the bonds provided for in this act shall have been fully paid.

Sec. 7. That each year, immediately upon setting aside this sinking fund, as required by section six of this act, it shall be the duty of the Treasurer of the State to give thirty days' notice by publication in some newspaper, published in the city of New York, having a large circulation, that he will receive sealed proposals for the purchase from the lowest bidder of such an amount of the bonds, provided for in this act, as the sinking fund in the Treasury shall enable him to purchase. The sealed proposals herein provided for shall be opened by the Treasurer in the presence of the Governor and Comptroller, and the sinking fund in the Treasury shall be applied to the redemption of the bonds offered at the lowest rate. The bonds so purchased shall be burnt at once in the presence of the Governor, Comptroller and Treasurer of the State, who shall to-

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gether sign a certificate, certifying the destruction of said bonds in accordance with the requirements of this section, and setting forth the registered number and value of each of the bonds so destroyed, and said certificate shall be filed in the office of the Comptroller of Public Accounts.

Sec. 8. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, to pay the expenses of engraving and printing the bonds provided for in this act, and the plates used in engraving and printing the said bonds shall be cancelled or destroyed under the direction of the Governor, and a certificate to that effect shall be filed in the office of the Comptroller of Public Accounts.

Sec. 9. That this act shall take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER LXXIX.

An Act to Authenticate the Records of the County Court of Galveston County, Sitting for the Settlement of the Estates of Deceased Persons, etc., During the Terms of said Court Holden from and after the first day of July, A. D. 1858, and the thirtieth day of August, 1864.

Section 1. Be it enacted by the Legislature of the State of Texas, That the minutes which contain and constitute the proceedings, orders and decrees of the County Court of Galveston county, sitting for the administration and settlement of the estates of deceased persons, minors and persons non compos mentis, for all of the terms of said court, both regular and called, and during the whole term, commencing on the first day of July, A. D. 1858, and ending on the thirtieth day of August, A. D. 1864, be and the same are hereby fully authenticated and validated, notwithstanding there may appear no signature of the Chief Justice of said county or the presiding judge of said court to said minutes during said term of years from on the first day of July, A. D. 1858, to and on the thirtieth day of August, A. D. 1864, and said minutes are hereby declared to be as valid, both in law and equity, as if said minutes had been signed by said Chief Justice of the county or presiding judge of said court.

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Sec. 2. That said records, or any part thereof, shall be admitted as evidence in any matter or thing, proceeding, order or decree of said court, the same as if said minutes or records had been duly signed by said Chief Justice of the county or presiding judge of said court.

Sec. 3. That the Honorable James P. Love, who was the Chief Justice of Galveston county for and during the said terms of said County Court hereinbefore stated, and who did sit as the presiding judge of said County Court during said terms, be and he is hereby authorized to attach his signature to said minutes or records, and said minutes and records shall be as valid as if signed by him at the proper time.

Sec. 4. That this act shall be in force from and after its passage.

Approved December 2, 1871.

CHAPTER LXXX.

An Act Concerning Private Corporations.

Article I.—Preliminary Provisions.

Section 1. Corporations are either, first, public; or, second, private.

Sec. 2. A public corporation is one that has for its object the government of a portion of the State.

Sec. 3. Private corporations are of three kinds: first, religious; second, corporations for charity or benevolence; and, third, corporations for profit.

Article II.—Creation of Corporations.

Sec. 4. Privates corporations may be created by the voluntary association of three or more persons, for the purposes and in the manner mentioned in the following sections of this article.

Sec. 5. The purposes for which the corporations mentioned in the last section may be formed, are:

1. The support of public worship.
2. The support of any benevolent, charitable, educational or missionary undertaking.
3. The support of any literary or scientific undertaking, the main-

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tenance of a library or the promotion of painting, music or other fine arts.

4. The encouragement of agriculture and horticulture.

5. The maintenance of public parks, and of facilities for skating and other innocent sports.

6. The maintenance of a public or private cemetery.

7. The purchase, location and subdivision of lands, and the sale and conveyance of the same, in lots and subdivisions or otherwise.

8. The construction and maintenance of any species of road, except a railroad, and of bridges in connection therewith.

9. The construction and maintenance of a bridge.

10. The construction and maintenance of a telegraph line.

11. The establishment and maintenance of a ferry.

12. The establishment and maintenance of a line of stages.

13. The building and navigation of steamboats, and carriage of persons and property thereon.

14. The supply of water to the public.

15. The manufacture and supply of gas, or the supply of light or heat to the public by any other means.

16. The transaction of any manufacturing, mining, mechanical or chemical business.

17. The transaction of a printing and publishing business.

18. The establishment and maintenance of a hotel.

19. The erection of buildings and the accumulation and loan of funds for the purchase of real property.

20. The improvement of the breed of domestic animals by importation, sale or otherwise.

21. The transportation of goods, wares and merchandise or any valuable thing.

22. The promotion of immigration.

23. The construction and maintenance of sewers.

24. The construction and maintenance of a street railway.

25. The erection and maintenance of market houses and market places.

26. The construction and maintenance of canals for the purpose of irrigation or manufacturing purposes.

27. For any other purpose intended for mutual profit or benefit not otherwise especially provided for, and not inconsistent with the Constitution and laws of this State.

Sec. 6. A charter must be prepared setting forth—

1. The name of the corporation.

2. The purpose for which it is formed.

3. The place or places where its business is to be transacted.

4. The term for which it is to exist.

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5. The number of its directors or trustees, and the names and residences of those who are appointed for the first year; and

6. The amount of its capital stock, if any, and the number of shares into which it is divided.

Sec. 7. The charter of a road company must also state:

1. The kind of road intended to be constructed.

2. The places from and to which the road is intended to be run.

3. The counties through which it is intended to be run.

4. The estimated length of the road.

5. The charter of a bridge or ferry company shall also state the stream intended to be crossed by the bridge or ferry.

Sec. 8. The charter of an intended corporation must be subscribed by three or more persons, two of whom, at least, must be citizens of this State, and must be acknowledged by them before an officer, duly authorized to take acknowledgments of deeds.

Sec. 9. Such charter shall thereupon be filed in the office of the Secretary of State, who shall record the same, at length, in a book to be kept for that purpose, and retain the original on file in his office. A copy of the charter, or of the record thereof, duly certified by the Secretary of State, under the great seal of the State, shall be evidence of the creation of the corporation.

Sec. 10. The existence of the corporation shall date from the time of filing the charter, and the certificate of the Secretary of State shall be evidence of the time of such filing.

Article III.—Powers and Duties of Corporations.

Sec. 11. Every corporation, as such, has power:

1. To have succession by its corporate name for the period limited in its charter, aud when no period is limited, for twenty years.

2. To maintain and defend judicial proceedings.

3. To make and use a common seal.

4. To hold, purchase, sell, mortgage, or otherwise convey such real and personal estate as the purposes of the corporation shall require, and also to take, hold and convey such other property, real personal or mixed, as shall be requisite for such corporation to acquire in order to obtain or secure the payment of any indebtedness or liability due to or belonging to the corporation.

5. To appoint and remove such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation.

6. To make by-laws not inconsistent with existing laws for the

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management of its property, the regulation of its affairs, and for the transfer of its stock.

7. To enter into any obligation or contract essential to the transaction of its ordinary affairs.

8. To increase or diminish, by a vote of its stockholders, cast as its by-laws may direct, the number of its directors or trustees, to be not less than three nor more than thirteen.

Sec. 12. Any corporation may increase its capital stock to any amount not exceeding double the amount of their authorized capital, by a vote of the stockholders, in conformity with the by-laws thereof; and if a majority of the stockholders shall vote for the increase of stock, the same may be increased by the board of directors, trustees or other business managers of such corporation; and upon such increase of stock being made in accordance with the by-laws, the date and amount of such increase shall be certified to the Secretary of State by the directors or trustees, and from the time such certificate is filed the increase of stock shall become a part of the capital thereof. Such certificate shall be filed and recorded in the same manner as the charter.

Sec. 13. Corporations shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, and may execute bonds or promissory notes therefor, and may pledge the property and income of the corporation.

Sec. 14. Whenever the full amount of the capital stock of a corporation having a capital stock shall not have been already subscribed in good faith, the directors or trustees named in the charter, or a majority of them, may, within three months after the filing of the charter, cause books to be opened for receiving subscription to the capital stock of the corporation, at such time or times, and at such place or places, as they may determine, after having given at least thirty days' notice in a newspaper published or generally circulated in one or more counties where books of subscription are to be opened, of the time and place of opening books, which books may be kept open till the whole amount of capital stock is subscribed.

Sec. 15. A majority of the directors or trustees shall constitute a quorum, and be competent to fill vacancies in the board, and to transact all business of the corporation. An annual election shall be held for directors or trustees, at such time and place as the by-laws of the corporation may require.

Sec. 16. The directors or trustees shall choose one of their number president, and shall appoint a secretary and treasurer, and such other officers as they may deem necessary for the corporation.

Sec. 17. The directors or trustees may adopt by-laws for the

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government of the corporation; but such by-laws may be altered, changed or amended by a majority vote of the stockholders at any election or special meeting ordered for that purpose by the directors or trustees, on a written application of a majority of the stockholders or members.

Sec. 18. All corporations heretofore created and now in existence under any law of this State, are hereby authorized to increase the number of directors or trustees of any such corporation.

Sec. 19. In case it should happen that an election for directors or trustees should not be held on the day appointed by the by-laws of any corporation formed under the provisions of this act, such corporation shall not, for that reason, be deemed to be dissolved, but it shall be lawful on any other day to hold a meeting and elect its directors or trustees in such manner as shall be prescribed by the by-laws thereof.

Sec. 20. The secular affairs of a religious corporation shall be under the control of a board of trustees, to be elected by the members of such corporation, and the title to all property of any such corporation shall vest in such trustees.

Sec. 21. The directors or trustees shall have the general management of the affairs of the corporation, and may dispose of the residue of the capital stock at any time remaining unsubscribed, in such manner as the by-laws may prescribe. They shall cause a record to be kept of all stock subscribed and transferred, and of all business transactions, and their books and records shall, at all reasonable times, be open to the inspection of any and every stockholder. They shall, also, when required by one-third of the stockholders thereof, present reports in writing of the situation and amount of business of the corporation, and declare and make such dividends of the profits from the business of the corporation as they shall deem expedient, or as the by-laws may prescribe.

Sec. 22. Any corporation heretofore organized and now in existence under any general or special law of the Republic or the State of Texas, may, by a vote of its board of directors, accept any or all the provisions of this act, and have and exercise all the rights, power and priviliges conferred by this act, by filing a copy of their acceptance with the Secretary of State; whereupon, that portion of their charter inconsistent with this act, or the portion accepted, shall cease to be applicable to such corporation; and they shall have the exclusive right to carry out the objects of said corporation as described in their act of incorporation or certificate filed with the Secretary of State, if acting under a general law within the limits and boundaries described in said act of incorporation, or certificate, as the case may be, without any limitation as to time, and shall pos-

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sess all the privileges and franchises conferred by their act of incorporation or certificate filed with the Secretary of State, not abandoned in the copy of acceptance of any or all the provisions of this act.

Sec. 23. No corporation created under the provisions of this act shall employ its stock, means, assets, or other property, directly or indirectly, for any other purpose whatever, than to accomplish the legitimate objects of the creation.

Sec. 24. The stock of any corporation created under this act shall be deemed personal estate; and shall be transferable only on the books of the corporation in such manner as the by-laws may prescribe.

Sec. 25. The board of directors or trustees of any corporation may require the subscribers to the capital stock of the corporation to pay the amount by them respectively subscribed, in such manner and in such instalments as may be required by the by-laws.

Sec. 26. If any stockholder shall neglect to pay any instalment, as required by the board of trustees, the directors or trustees may declare his stock and all previous payments forfeited to the use of the company; but no stock shall be forfeited until the directors or trustees have caused a notice in writing to be served on him personally, or by depositing the same in the postoffice, properly directed to him at the postoffice nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in said notice, and that if he fails to make the same, his stock and all previous payments thereon, will be forfeited for the use of the company; which notice may be served, as aforesaid, at least thirty days previous to the day on which such payment is required to be made.

Sec. 27. All bodies corporate may sue for, recover and receive from their respective members, all arrears or other debts, dues or other demands, which now are, or hereafter may be owing to them, in like mode, manner and form, as they might sue for, recover and receive the same from any person who might be one of their body.

Sec. 28. If the directors of any corporation shall knowingly declare and pay any dividend, when the corporation is insolvent, or any dividend the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the corporation then existing, and for all that shall be thereafter contracted, as long as they shall respectively continue in office. The amount for which they shall all be so liable shall not exceed the amount of such dividend; and if any of the directors shall be absent at the time of making the dividend, or shall object thereto at the time such dividend is declared, and shall file their objection in writing with the

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secretary or other officer of the corporation having charge of the books, they shall be exempted from the said liability.

Article IV.—Miscellaneous Provisions.

Sec. 29. If any execution shall have been issued against the property or effects of a corporation except a railway or a religious or charitable corporation, and there cannot be found any property whereon to levy such execution, then execution may be issued against any of the stockholders to an extent equal the amount to the amount of stock by him or her owned, together with any amount unpaid thereon; but no execution shall issue against any stockholder, except upon an order of the court in which the action, suit, or other proceeding, shall have been brought or instituted, made upon motion in open court, after reasonable notice in writing to the person or persons sought to be charged; and upon such motion, such court may order execution to issue accordingly; or the plaintiff in the execution may proceed by action to charge the stockholders with the amount of his judgment.

Sec. 30. The clerk or other officer having charge of the books of any corporation, on demand of the plaintiff in any execution against the corporation, his agent or attorney, shall furnish such plaintiff, his agent or attorney with the names and places of residence of the stockholders (so far as known,) and the amount of stock held by each, as shown by the books of the corporation.

Sec. 31. Whenever any company heretofore incorporated for the purpose of erecting any public improvement in this State, whose charter is limited as to the time for completion of said improvement, and when any such company has been legally organized and has actually commenced and has in progress toward completion such public improvement, it shall be lawful for any such company to have further time allowed for the final completion of said work as is hereinafter provided.

Sec. 32. Upon petition being filed by the directors of the corporation in the district court of any county in which the principal office of such corporation is located, and upon giving thirty days' notice by publication in newspaper of general circulation in said county, of the object and prayer of such petition, said court shall, at any regular term, after publication of said notice, on good cause shown, decree the extension of the time for the completion of said improvement, to such period as shall appear to such court just and reasonable.

Sec. 33. Each corporation or joint stock company, of every description, whether organized and acting under a special charter or

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general law of the State, shall keep its principal office within this State.

Sec. 34. No misnomer of any corporation shall defeat or vitiate any gift, grant, conveyance, devise or bequest to the same.

Sec. 35. Any corporation may convey lands by deed, sealed with the common seal of the corporation, and signed by the president or the presiding member or trustee of said corporation; and such deed, when acknowledged by such officer to be the act of the corporation, or proved in the manner prescribed for other conveyances of lands, may be recorded in like manner and with the same effect as other deeds.

Sec. 36. The records of any company incorporated under the provisions of any statute of this State, or copies thereof duly authenticated by the signature of the president and secretary of such company, under the corporate seal thereof, shall be competent evidence in any action or proceeding to which such corporation may be a party.

Article V.—Dissolution of Corporations.

Sec. 37. A corporation is dissolved: first, by the expiration of the time limited in its charter; second, by a judgment of dissolution rendered by a court of competent jurisdiction.

Sec. 38. Every corporation created under this act or any general law of this State, shall commence active operations within three years after filing its charter with the Secretary of State, and in default thereof said corporation shall be dissolved and its charter become void.

Sec. 39. Upon the dissolution of any corporation already created by or under the laws of this State, unless a receiver is appointed by some court of competent authority, the president and directors or managers of the affairs of the corporation at the time of its dissolution, by whatever name they may be known in law, shall be trustees of the creditors and stockholders of such corporation, with full power to settle the affairs, collect the outstanding debts, and divide the moneys and other property among the stockholders, after paying the debts due and owing by such corporation at the time of its dissolution as far as such money and property will enable them; and for this purpose they may maintain or defend any judicial proceeding.

Sec. 40. The trustees mentioned in the last section shall be severally responsible to the creditors and stockholders of such corporation to the extent of its property and effects that shall have come into their hands.

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Sec. 41. If any corporation created under this or any general statute of this State, except railway, or charitable or religious corporations, be dissolved, leaving debts unpaid, suits may be brought against any person or persons who were stockholders at the time of such dissolution, without joining the corporation in such suit, and if judgment be rendered and execution satisfied, the defendant or defendants may sue all who were stockholders at the time of dissolution for the recovery of the portion of such debt for which they were liable, and the execution upon the judgment shall direct the collection to be made from property of each stockholder respectively, and if any number of stockholders (defendants in the case) shall not have property enough to satisfy his or their portion of the execution, then the amount of deficiency shall be divided equally among all the remaining stockholders, and collections made accordingly, deducting from the amount a sum in proportion to the amount of stock owned by the plaintiff at the time the company dissolved.

Sec. 42. If any stockholder pay more than his due proportion of any debt of the corporation, he may compel contribution from the other stockholders by action.

Sec. 43. No stockholder shall be liable to pay debts of the corporation beyond the amount due on his stock and an additional amount equal to the stock owned by him.

Article VI.—Macadam and Plank Road Corporations.

Sec. 44. It shall be lawful for any corporation created for the purpose of constructing a macadam or plank road, by its agents and servants to enter upon any lands to make surveys, estimates and locations.

Sec. 45. If any such corporation shall require for the construction or repairs of its road, or any bridge thereof, any stone, timber or other material from land adjoining to or near said road, and cannot contract for the same with the owner thereof, such corporation may proceed to have the value of the same assessed, and the same proceedings shall be had therefor as is provided by law to be taken by railway corporations in like cases; and all macadam or plank road corporations shall have the right also to condemn, in like manner, and occupy any quantity of land, not exceeding one acre at any one place, for the purpose of erecting toll houses thereon.

Sec. 46. If any road or any part thereof, after it shall have been completed, shall be suffered to be out of repair so as to be impassable for the space of two months unless when the same is being repaired, the company owning such road shall be liable to forfeit its corporate powers and privileges, and such forfeiture may be enforced

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by action, as provided in the Code of Civil Procedure; and if such company shall suffer the road to be out of repair to the injury, hindrance or delay of travelers for an unreasonable time, they shall have no right to collect tolls thereon until the same is again repaired.

Sec. 47. All macadam or plank roads shall be opened not exceeding sixty feet wide, thirty feet of which shall be cleared of brush and logs, and at least sixteen feet shall be made of artificial road composed of stone or gravel, or wood, or other convenient material, in such manner as to secure a firm and substantial road. No company or association of individuals which have been or may hereafter be incorporated for the purpose of making such road, shall erect or keep any toll gate or receive any toll within the corporate limits of any incorporated city, town or village, or within one hundred and sixty rods of such limits.

Sec. 48. As soon as such road shall have been completed, or any part thereof, not less than five miles together in any part of the road, unless the same is less than five miles long, and so from time to time, as often as five miles in addition shall be completed adjoining any five miles previously constructed, the county court of the county in which such finished road lies, or, in case the road lies in two or more counties, the county courts of either of said counties shall, on application of the agent of the company, appoint three judicious householders, who shall, on oath, examine the same, and report their opinion to the court in writing; and if such report shall state that the road, or such part thereof, to be completed agreeably to the provisions of this act, the court shall by license, in writing, authorize the company to erect gates at suitable distances and demand and receive of persons traveling such road the toll that may be fixed by the county court.

Sec. 49. Any person or persons going to or from public worship on the Sabbath, common schools and other institutions of learning, funerals, militia muster, the troops of the United States and of this State, may pass any such road free from toll.

Sec. 50. All macadam or plank road companies shall put up a post or stone at the end of each mile, with the number from beginning of said road, fairly cut or printed thereon; and also in a conspicuous place near each gate shall be placed a board with the rates of toll painted thereon, and no toll shall be demanded unless such rates are kept up.

Sec. 51. If any macadam or plank road company shall fail to keep their road in repair for five days successively, any person may file a complaint in writing, before any justice of the peace of the county, setting forth the nature of the defect complained of, designating the place in the road where it exists; and it shall be the duty

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of the justice to appoint two disinterested persons as inspectors, to meet at the place complained of within five days, and of the time and place of meeting reasonable notice shall be given to the gate keeper nearest to the place of meeting, and the inspectors shall then examine into the truth of the matter complained of; and if they shall find the complaint to be true, they shall send a certified copy of the complaint and of the finding thereon to the keeper of each of the gates between which such defective place shall be, and thereafter no toll shall be received at such gates for the intermediate distance, until the part of the road complained of shall be fully repaired; and the inspectors and justice of the peace shall be entitled to two dollars and a half per day for their services, and shall be paid by the company if the complaint be sustained, and if it shall fail, then by the complainant.

Sec. 52. If any person or persons using any part of said road shall, with intent to defraud such company, or shall falsely represent himself or herself to any toll gatherer as entitled to exemption from paying toll, or shall make any untrue statement as to the distance he or they shall have traveled or intend to travel on the road, or shall practice any fraudulent means, and thereby lessen or avoid the payment of tolls, each and every person concerned in any such fraudulent practices shall, for every such offense, forfeit and pay to such company the sum of five dollars, to be recovered by such company in an action of debt before any justice of the peace of the county where the offender may be found.

Article VII.—Telegraph Corporations.

Sec. 53 Corporations created for the purpose of constructing and maintaining magnetic telegraph lines are authorized to set their poles, piers, abutments, wires and other fixtures, along, upon and across any of the public roads, streets and waters of this State, in such manner as not to incommode the public in the use of such roads, streets and waters.

Sec. 54. Such companies are also authorized to enter upon any lands, whether owned by private persons in fee or in any less estate, or by any corporation whether acquired by purchase or by virtue of any provision in the charter of such corporation, for the purpose of making preliminary surveys and examinations with a view to the erection of any telegraph lines, and from time to time to appropriate so much of said lands as may be necessary to erect such poles, piers, abutments, wires and other necessary fixtures for a magnetic telegraph, and to make such changes of location of any part of said lines as may from time to time be deemed necessary, and shall have

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a right to access to construct said line, and when erected, from time to time as may be required to repair the same, and may proceed to obtain the right of way, and to condemn lands for the use of the corporation, in the manner provided by law in case of railway corporations.

Sec. 55. No corporation shall have power to contract with any owner of land for the right to erect and maintain a telegraph line over his lands to the exclusion of the lines of other companies.

Sec. 56. Any corporation, created as herein provided, may contract, own, use and maintain any line or lines of telegraph, whether wholly within, or wholly or partly beyond, the limits of this State, and shall have power to lease or attach to the line or lines of such corporation other telegraph lines, by lease or purchase, and may join with any other corporation or association in constructing, leasing, owning, using or maintaining their line or lines upon such terms as may be agreed upon between the directors or managers of the respective corporations, and may own and hold any interest in such line or lines, or may become lessees thereof on such terms as the respective corporations may agree.

Sec. 57. The council of any city, or trustee of any incorporated town or village through which the line of any telegraph corporation is to pass, may, by ordinance or otherwise, specify where the posts, piers or abutments shall be located, the kind of posts that shall be used, the height at which the wires shall be run, and such company shall be governed by the regulations thus prescribed; and after erection of said telegraph lines, the council of any city, or the trustees of any incorporated town or village, shall have power to direct any alteration in the erection or location of said posts, piers or abutments, and also in the height at which the wires shall run, having first given such company or its agents opportunity to be heard in regard to such alteration.

Sec. 58. Any person who shall wilfully and intentionally injure, molest or destroy any of the lines, post, piers, abutments or other material or property pertaining to any line of telegraph erected in this State, shall be deemed guilty of a misdemeanor, and shall upon conviction, in the court having criminal jurisdiction in the proper county be punished by fine, not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding one year, or by both; such fine and imprisonment at the discretion of the court having cognizance thereof.

Sec. 59. Any telegraph company now organized, or which may hereafter be organized under the laws of this States, may, at any regular meeting of the stockholders thereof, by vote of persons holding a majority of shares of the stock of such company, unite or

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consolidate with any other company or companies now organized, or which may hereafter be organized under the laws of the United States, or of any State or territory, by the consent of the company with which it may consolidate or unite; and such company so formed may hold, use and enjoy all the rights and privileges conferred by the laws of Texas on companies separately organized under the provisions of this act, and be subject to the same liabilities.

Article VIII.—Appropriation of lands for the use of railway and other corporations.

Sec. 60. Lands may be appropriated for the use of macadam, plank road and telegraph corporations in the same manner as provided for in the general laws of this State for railway corporations, as far as applicable.

Sec. 61. Every canal corporation for the purpose of irrigation shall, in addition to the powers heretofore conferred, have power:

1. To cause such examination and survey for its proposed canal to be made as may be necessary to the selection of the most advantageous route, and for such purpose by its officers, agents or servants to enter upon the lands or waters of any person.

2. To take and hold such voluntary grant of real and other property as shall be made to it to aid in the construction and maintenance of its canal, ditches and sluices.

3. To construct its canal across, along or upon any stream of water.

4. To furnish water for irrigation at such rates as such organization or corporation may by its by-laws and regulations prescribe.

5. To borrow such sums of money as may be necessary for completing and finishing or operating their canal, and to issue and dispose of their bonds for any amount so borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the operation for the purposes aforesaid; provided, that damages for any property appropriated by such corporation shall be assessed and paid for as is provided for in case of railroads.

Article IX.—Gas and Water Corporations.

Sec. 62. Any gas or water corporation shall have full power to manufacture and sell and to furnish such quantities of gas or water as may be required by the city, town or village where located, for public or private buildings or for other purposes, and such corporation shall have power to lay pipes, mains and conductors for

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conducting gas or water through the streets, lanes, alleys and squares in such city, town or village, with the consent of the municipal authorities thereof, and under such regulations as they may prescribe.

Sec. 63. The municipal authorities of any city, town or village in which any gas light or water corporation shall exist, are hereby authorized to contract with any such corporation for the lighting or supplying with water the streets, lots, lanes, squares and public places in any such city, town or village.

Article X.—Colleges, Academies, Etc.

Sec. 64. The president, professors or principals shall constitute the faculty in academy, college or university, and shall have power to enforce the rules and regulations enacted by the directors or trustees for the government and discipline of the students, and to suspend and expel offenders, as may be deemed necessary.

Sec. 65. The directors or trustees named in the charter, as required by this act, of any college, academy, university or other institution to promote education, and their successors may make all necessary by-laws, elect and employ officers, provide for filling vacancies, appoint and remove professors, teachers, agents, etc., and fix their compensation, confer degrees, and do and perform any and all necessary acts to carry into effect the objects of the corporation.

Sec. 66. Such corporations may procure, to be used as a part of the course of education, shops, tools and machinery, land for agricultural purposes, and necessary buildings for carrying on their mechanical and agricultural operations.

Sec. 67. Any such corporation may convert its property, except when held upon some special trust, into stock or scholarships, and file a certificate of their action, as required in the case of an increase of capital stock of a corporation. Such conversion can only take place by the consent of a majority of the stockholders.

Sec. 68. The directors of any such corporation, whose property is held not as stock, but upon trust or by devise, donation, gift or subscription, shall not contract debts beyond the means of the corporation. If they do contract debts to a larger amount, they shall be held individually liable for the same, after the means of the corporation are exhausted.

Sec. 69. Any such corporation may, by a vote of three-fourths of the directors, or if the same is owned in shares of stock, then by a vote of three-fourths of the stockholders, change the location and name of the institution, and transfer the effects thereof to where

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removed, or may apply the property thereof to other purposes of education than those named in the original charter filed with the Secretary of State.

Article XI.—Religious, Charitable and other Corporations.

Sec. 70. Any religious society, military or fire company, literary, social, charitable or benevolent association, other than colleges, universities, academies or seminaries, or any grand or subordinate lodge or other order of Free and Accepted Mason, or of the Independent order of Odd Fellows may, by the consent of a majority of its members, become bodies corporate under this act, by filing the charter required by this act, electing directors or trustees, and performing the things as directed in the case of other corporations; and when so organized, shall have all the powers and privileges, and be subject to all the restrictions in this act contained for the objects named in the charter, and shall have the same power to make by-laws for the regulation of their affairs as other corporations. Such directors or trustees shall not usurp or exercise the functions of the officers in charge of the spiritual affairs of any society.

Sec. 71. No religious, literary, social, scientific, industrial, benevolent, or other society, association, company, corporation or institution that does not have a capital stock, will be required, in its charter, to make any statement of the amount of capital stock or amount of each share; but such charter, if it contains the other statements therein required, and also an estimate of the value of the goods, chattels, lands, rights and credits owned by the corporation will be sufficient.

Article XII.—Cemetery Corporations.

Sec. 72. Cemetery corporations shall have power to divide the land of the cemetery into lots and sub-divisions for the purposes of the cemetery, and to tax the property for the purpose of its general improvement.

Sec. 73. Such corporation shall have power to convey, by deed or otherwise, any lot or lots of the cemetery for purposes of sepulture. When such lots shall have been surveyed and platted, the survey and plat shall be recorded in the office of the district clerk of the county wherein the same are situated, and shall not be afterwards changed or altered. No lots shall be sold or disposed of until such plat shall have been recorded. All the ground held by such corporation for burial purposes, while so held, shall be exempt

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from public taxation. Every lot sold and conveyed in such cemetery shall be held by the proprietor for purposes of sepulture only, and shall not be subject to attachment or execution.

Sec. 74. All owners of lots purchased of any such corporation shall become members thereof and be entitled to vote in the election of its officers and upon any other matters to the same extent as stockholders in other corporations.

Article XIII.—Savings Banks.

Sec. 75. Any five or more persons in any county in this State may organize themselves into a savings association, and shall be permitted to carry on the business of receiving money on deposit, and to allow interest thereon, giving to the persons depositing credit therefor; and of buying and selling exchange, gold, silver, coin, bullion, uncurrent money, bonds of the United States, of the State of Texas, and of the city, county and school district in which any association shall organize; of loaning money on real estate and personal security at such rate of interest as may be agreed upon; and of discounting negotiable notes and notes not negotiable; and on all loans made may keep and receive the interest in advance.

Sec. 76. The capital stock of any such association shall be not less than fifty thousand nor more than five hundred thousand dollars, to be divided into shares of not less than one hundred dollars each, of which ten per centum upon each share shall be paid at the time the same shall be subscribed, the remainder of the stock so subscribed shall be paid upon such calls and upon such terms as the directors may from time to time prescribe.

Sec. 77. The affairs and business of any such association shall be managed and controlled by a board of directors not less than five nor more than nine in number, who shall designate a president, a cashier and a secretary, and such other officers as the association may require, who shall hold their office for one year, until their successors are elected and duly qualified.

Sec. 78. Before any such corporation shall commence its business, a majority of the shares thereof shall have been subscribed for, and the entrance fees thereon paid in, and the president and secretary thereof, under their hands and seals, shall have made a certificate which shall specify—first, the corporate name of such corporation; second, the name of the city or town in which such incorporation is to be located; third, the amount of its capital stock and the number of shares into which the same shall be divided; fourth, the names and places of residence of the stockholders and the number of shares held by each; fifth, the time when such corporation

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was organized; which certificate shall be acknowledged before a notary public and recorded in the registry of deeds for the county in which such corporation is to be located, and a copy thereof and of the by-laws of the said association shall be filed in the office of the Secretary of State, and copies of such certificates, duly attested by the clerk of the district court or Secretary of State, shall be admitted as sufficient evidence in all the courts of law and on all occasions whatever; provided however, that no corporation established under the provisions of this charter shall take the name of any corporation or association heretofore organized or incorporated in this State for similar purposes.

Sec. 79. Every such corporation shall semi-annually, in the months of July and January, publish in one or more newspapers in the county where such corporation shall have its place of business, a statement verified by the oath of its president or secretary, setting forth its actual financial condition, and the amount of its property and liabilities, under a penalty of five hundred dollars to the State, to be recovered by indictment against the president, cashier or directors, and shall also deposit a copy of said statement, verified as aforesaid, in the office of the Secretary of State.

Sec. 80. Dividends of the net profits of such association shall be declared on the first days of July and January of each year, unless some different time is fixed by the by-laws of such corporation.

Sec. 81. All other acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 82. This act to take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER LXXXI.

An Act Amendatory to An Act Entitled An Act to Provide for the Organization of the State Lunatic Asylum, and for the Care and Maintenance of the Insane, Approved February 5, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That article four of said act shall be so amended as to read as follows: The managers of the asylum shall elect, subject to the approval of the Governor, a treasurer for the asylum, who shall,

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either himself or by agencies, collect all its dues and pay out its revenues only in conformity with the laws of the State and the by-laws of the institution. He shall give a bond, made payable to the State, in the sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the board of managers, and shall perform his services as such treasurer, with compensation. He shall report to the Governor on the first day of October of each year.

That article seventeen be so amended as to read as follows: The amount to be paid for the board of patients admitted into the hospital shall be at the rate of four dollars per week for each person supported by the county, etc., instead of: The amount to be paid for the board of patients admitted into the hospital shall be at the rate of two dollars per week, etc.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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JOINT RESOLUTIONS.

CHAPTER I.

Joint Resolution Authorizing the Appointment of Commissioners to Run, Mark Out and Fully Define the County Lines of San Jacinto County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State of Texas be and is hereby empowered to appoint commissioners to run, mark out, and fully define the county lines and boundaries of the county of San Jacinto, and that the lines and boundaries so marked and defined shall be and are hereby declared to be the lines and boundaries of the county of San Jacinto.

Sec. 2. That this joint resolution take effect and be in force from and after its passage.

Approved October 13, 1871.

CHAPTER II.

Joint Resolution Instructing and Requesting Our Congressional Delegation to Urge upon Congress the Reimbursement to Cotton Raisers of the Cotton Tax Imposed upon the Products of the Soil by Act of Congress in 1864, 1866 and 1867.

Whereas, The Congress of the United States with the view (as was alleged) to increase the internal revenue of the general government, enacted certain laws, to-wit: one approved on the thirtieth day of June, 1864, which levied a duty of two cents per pound on all cotton, the growth of the United States; another approved

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thirteenth July, 1866, fixing in lieu of the foregoing a tax on cotton of three cents per pound; another approved on the second day of March, 1867, reducing the said tax from the first of September, 1867, to two and a half cents per pound; and,

Whereas, at different times, by regulations of the Treasury department, and at other times by military orders, special taxes were levied on cotton, sometimes at specific rates per pound and at other times payable in kind; and,

Whereas, the collection of the aforesaid taxes and duties were rigidly enforced to the great detriment of the agricultural interests of the cotton growing portion of the United States where said cotton was (with the exception of a very few bales) grown, and often terminating in the bankruptcy of the producer; and,

Whereas, the Constitution of the United States guarantees to the several States equal distribution of taxation, and in which an export tax is prohibited, and as a tax upon the production of the soil was without constitutional warrant, especially as its application was limited to but one article of production, and therefore not uniform; and,

Whereas, the constitutional right of Congress to enact such laws was always exceeding doubtful and now ascertained to be so by the late decision of the Supreme Court of the United States, in the case of Farrington vs. Saunders, wherein the court stood equally divided four to four; and,

Whereas, the people of Texas, colored as well as white, are interested in the return of this money, and jointly look with solicitude to the action of those who control the destinies of our country, acting in their official capacity,

Be it therefore resolved by the Senate and House of Representatives of the State of Texas, That, in view of the facts as herein set forth, Congress is earnestly requested to restore and refund to the parties respectively interested all moneys so, as aforesaid, collected of the people of Texas, under and by virtue of the aforesaid acts and supplemental acts and orders relative to said taxation of cotton; and be it further

Resolved, That the Senators in Congress be instructed and our congressional Representatives requested to do all in their power to aid in having said money restored by the government of the United States to the parties from whom it was collected.

Passed November 1, 1871.

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CHAPTER III.

Joint Resolution for the Relief of James H. Skinner, Sheriff of Henderson County.

Whereas, On the eleventh day of September, 1871, at the city of Austin, one hundred and sixty dollars in United States currency, revenue of the State of Texas, collected by James H. Skinner, sheriff of Henderson county, on the tax assessment of the year 1871, was stolen from the Hon. W. B. Stirman, by whom it was being sent to the Treasury, without fault of said sheriff or his said agent; therefore,

Be it resolved by the Senate and House of Representatives of the State of Texas, That James H. Skinner, sheriff of Henderson county be, and he is hereby relieved from any and all liability on account of the loss of said one hundred and sixty dollars, and that the Comptroller of Public Accounts is hereby authorized and required to credit said sheriff by the aforesaid amount in the settlement of his accounts.

Sec. 2. That this resolution take effect and be in force from its passage.

Passed November 13, 1871.

CHAPTER IV.

Joint Resolution to Defray the Expenses of Printing the Reports of all Officers Who Are Required to Report to the Governor or the Legislature by Section Five of An Act Regulating Public Printing, Approved August 13, 1870.

Section 1. Be it resolved by the Legislature of the State of Texas, That the sum of four thousand dollars, or so much thereof as may be required, be and the same is hereby appropriated out of any funds in the Treasury not otherwise appropriated, to defray the expenses of printing reports delivered to the present Legislature by the Secretary of State.

Sec. 2. That this joint resolution take effect from and after its passage.

Approved November 29, 1871.

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CHAPTER V.

Joint Resolution Prescribing the Duties of the Inspector of the State Penitentiary.

Be it resolved by the Legislature of the State of Texas, That the Inspector of the Penitentiary be and he is hereby authorized to receive and disburse all moneys belonging to the State, appertaining to the penitentiary, and generally to do and perform all things which the Financial Agent of the State was formerly authorized or required to do. And for the faithful performance of this duty the Governor shall require of such inspector a bond payable to the State of Texas, in such an amount as may be fixed by the Governor, which bond shall be approved by the Governor.

This joint resolution shall take effect and be in force from and after its passage.

Approved December 2, 1871.

ERRATA.

Chapter XXVI, section 1, article 568, clause 9, line 1—"where" in lieu of "when."

Chapter XXXII, section 4, line 9—"claims" in lieu of "claim."

Chapter XXXIV, section 1, line 18—"owning" in lieu of "owing."

Chapter XLIII, section 7, line 3—strike out "now" after "money." Also, section 8, line 2—insert "the" after "in command of." Also, section 8, line 4—"permanently" in lieu of "prematurely."

Chapter XLVII, section 2, line 3—"fifteen" in lieu of "hfteen."

Chapter LVIII, title—"supplemental" in lieu of "suaplemental."

LXIV, section 1, line 10—strike out "a" after "by."

Chapter LXXVI, section 2, line 11—"by" in lieu of "be."

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CONCURRENT RESOLUTION.

Concurrent Resolution in Relation to the Appointment of Committeees to Attend the Centennial Celebration to be held at Philadelphia, Pennsylvania, in the Year 1876.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, Whereas, the Governor of the State of Pennsylvania has forwarded through the Governor of Texas to the Legislature of Texas, a joint resolution of the several assemblies of Pennsylvania, approved March 8, 1871, to-wit: that the Governor and three persons appointed by him, William A. Wallace and James H. Webb, speakers of the Senate and House, with three members of each branch of the Legislature, to be appointed by the Speakers of the Senate and House respectively, shall be a Committee of Pennsylvania to co-operate with committees from other States and local committees, upon the subject of the Centennial Celebration at Philadelphia, in the year one thousand eight hundred and seventy-six, said committee to stand until that time, and to report at each intervening Legislature, and make such suggestions and recommendations from time to time to the Legislature as they may think proper and expedient in reference to such Centennial Celebration.

Whereas, The Governor of Pennsylvania, in addition to the above resolution of the several assemblies of this State, also communicates the fact of the object of said appointment as follows: One of the most prominent objects of this resolution is to perfect the necessary preliminary organization at the earliest practicable date, and to gather all necessary information and material to facilitate the operations of the United States Board of Commissioners to be appointed by the President of the United States, upon the recommendations of the Governors of the different States and Territories, in accordance with an act of Congress "to provide for celebrating the one hundredth anniversary of American independence by holding an international exhibition of arts, manufactures, and products

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of the soil and mines, in the city of Philadelphia and the State of Pennsylvania, in the year eighteen hundred and seventy-six;" and,

Whereas, In furtherance of this grand national object of a centennial anniversary celebration and international exhibition, the Governor of Pennsylvania urges the Legislature of Texas to appoint a special committee to co-operate with the committee of Pennsylvania, in conformity with the provisions of the joint resolution of that State; therefore, be it hereby

Resolved, That the Governor of the State, with three persons to be appointed by him, the President of the Senate, with three Senators to be appointed by him, and the Speaker of the House, with three members of the House to be appointed by him, shall be a committee to co-operate with the committee of Pennsylvania in furtherance of the centennial celebration of 1876, with like power and authority as conferred upon special committee of Pennsylvania, in conformity with the joint resolution of its General Assembly, passed March 8, 1871.

Approved November 29, 1871.

THE STATE OF TEXAS,
Department of State.

I, J. E. OLDRIGHT, Acting Secretary of State for the State of Texas, certify that the acts and resolutions contained in this volume are true copies, taken from the originals in the Department of State, with which they have been carefully compared.

And I further certify that the adjourned session of the Twelfth Legislature of said State commenced at the city of Austin on Tuesday, the twelfth day of September, in the year of our Lord one thousand eight hundred and seventy-one, and adjourned sine die on Saturday, the second day of December, in the year of our Lord, one thousand eight hundred and seventy-one.

In testimony whereof, I have hereunto signed my name and have caused the seal of the Department of State to be affixed at the city of Austin, this ninth day of January, in the year of our Lord one thousand eight hundred and seventy-two.

J. E. OLDRIGHT,
Acting Secretary of State.

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SPECIAL LAWS

OF THE

TWELFTH LEGISLATURE

OF

THE STATE OF TEXAS

SECOND SESSION—1871

BY AUTHORITY.

AUSTIN
1871

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SPECIAL LAWS OF TEXAS, 1871

CHAPTER I.

An Act to Incorporate the Bosque Bridge and Manufacturing Company of McLennan County.

Section 1. Be it enacted by the Legislature of the State of Texas, That D. T. Chamberlin, Nelson Beall, H. M. Warren, Joseph Giles, E. A. Sturgis and W. A. Taylor, and such other persons as they may associate with them, and their successors in office, be and they are hereby created a corporation under the name and style of the Bosque Bridge and Manufacturing Company, and as such may sue and be sued, may have a corporate seal, and may hold and own such property, both real and personal, as may be necessary to carry out the objects of this charter, not to exceed two hundred and fifty thousand dollars in value.

Sec. 2. That it shall be the duty of said company to build a good, safe and substantial bridge across the Bosque river at or near a point on said river known as the Comanche crossing, in McLennan county, about five miles from the city of Waco, said bridge to be commenced within one year from and after the passage of this act, and to be built with single or double track, as said company may determine.

Sec. 3. That when said bridge shall be completed, said company are authorized to demand and receive from each and every non-resident of McLennan county, crossing said bridge, or crossing their property over the same, a toll not to exceed the following rates, to wit: For each wagon, cart, carriage, or other vehicle drawn by more than two horses or other animals, twenty cents per wheel, and five cents for each animal by which the same is drawn, and when the same is drawn by two animals or less, ten cents per wheel, and five cents for each animal by which the same is drawn; for each animal and rider ten cents; for each loose horse mule, jack or jen-

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net, five cents; for each loose animal of the cattle kind, five cents; for each foot passenger five cents; for each sheep hog or goat, three cents, and from citizens of McLennan county, one half the above rates.

Sec. 4. That it shall be the duty of the county court of McLennan county, from time to time, to cause said bridge to be examined, and whenever they shall consider the same to be not in a good and safe condition for crossing, they may cause the gates thereof to be opened for the free crossing of the public, and so to remain until said company shall place said bridge in good repair.

Sec. 5. That no person shall be authorized or allowed to erect any toll bridge or keep any ferry across said Bosque river, within three miles of said Comanche crossing, after the said bridge herein authorized is completed; provided, that in case said bridge shall get out of repair said company may keep a ferry boat until the said bridge is put in order.

Sec. 6. That the gates of said bridge shall at all times, night and day, be opened for the passing of persons and property, and said company shall be responsible in damages for unreasonable delays, and for injuries to person or property, resulting from the bad condition of said bridge.

Sec. 7. That said company is authorized to construct a dam across said river at said Comanche crossing, for the purpose of obtaining and controlling the water power of said river, at said crossing, to drive any and all of such machinery as the said company may see fit to erect.

Sec. 8. That said company shall have two years, from and after the passage of this act, to construct said dam and erect said machinery.

Sec. 9. That this charter of incorporation continue and remain in force for twenty-five years from and after the completion of said bridge and machinery; and that this act take effect and be in force from and after its passage.

Passed September 18, 1871.

The foregoing act, received in the office of Secretary of State October sixteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

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CHAPTER II.

An Act making an appropriation for repairing and improving the State Cemetery.

Be it enacted by the Legislature of the State of Texas, That the sum of six hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay for repairing and improving the State Cemetery.

Approved September 22, 1871.

CHAPTER III.

An Act to incorporate the town of Sulphur Springs, in Hopkins County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Sulphur Springs, in Hopkins county, be and they are are hereby declared a body politic and corporate, under the name and style of the Corporation of the town of Sulphur Springs, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real and personal; provided, such real property is situated within the limits of said incorporation. The limits of said incorporation shall extend three-quarters of a mile in every direction from the center of the public square in said town of Sulphur Springs.

Sec. 2. That it shall be the duty of the qualified electors of said corporation, at the next general election, to elect a mayor and five aldermen, and a constable, who shall be, ex-officio, assessor and collector of taxes; and until said general election, the said officers shall be appointed by the Governor, and shall hold their offices from the date of their appointment until said election. Said mayor and aldermen, thus appointed or elected, shall elect out of their own number, or otherwise, as they may deem best, a treasurer and secretary. The treasurer and assessor and collector of taxes shall be required to give bond with security, to be approved by the mayor, for the faithful performance of their duties, and shall make reports whenever required by the mayor or board of aldermen.

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Sec. 3. The mayor, aldermen, constable, treasurer and secretary shall each qualify himself for the duties of his office by taking an oath to execute the same to the best of his ability and judgment, and also shall take the oath required by the Constitution of the State. The oath shall be administered by the presiding justice of the peace, who shall proceed to commission the mayor, and deliver certificates of their election and qualification to the aldermen, constable, treasurer and secretary, respectively, preserving also an account of his proceedings herein among the records of his court; but the constable shall not be permitted to act as such until he shall have executed a penal bond to the corporation, with security approved by the mayor, conditioned to account for all moneys which shall come to his hands by virtue of his office, and otherwise faithfully to perform the duties thereof. The said bond shall be filed with the mayor, and may be put in suit either before or after the expiration of the term of his office by the corporation or by individuals sustaining injury by his malfeasance or default while an officer of said corporation.

Sec. 4. The mayor shall have power, when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order. He shall have such criminal jurisdiction within the limits of the corporation as is conferred by law on justices of the peace, charging like fees for his services, and subject in his judicial acts to the same revisory powers. He may also impose fines, not exceeding one hundred dollars, for violation of the ordinances of the town. As chief executive officer, he shall order and control the police of the town, enforce the by-laws and ordinances passed by the board, protect from injury the public streets, buildings and other property, prevent and punish breaches of the peace, and employ his delegated powers in promoting the peace and good order of the town. He shall hold courts at such times and places as the board by ordinance shall prescribe, and shall keep a record of the proceedings had therein.

Sec. 5. The mayor shall, immediately preceding the expiration of his term of office, give ten days' public notice of the election of the officers provided for in this act; and said elections shall be held annually; the old officers shall hold over until their successors are elected and qualified. In case of the death, absence, sickness, insanity or other incapacity of the mayor, the board shall select one of their own number, who shall have the same powers and shall perform the duties of mayor temporarily, or during the remainder of that term, as occasion may require.

Sec. 6. That no person shall be eligible to any office under the provisions of this charter, who is not a citizen of this State, and

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shall have been a resident within the limits of said corporation at least sixty days prior to his election; nor shall any person have a right to vote for officers, who has not been a resident within said corporate limits at least sixty days next preceding any election, and who is not a qualified voter under the Constitution and laws of this State.

Sec. 7. The mayor and aldermen of said corporation shall have power to pass such rules and regulations, ordinances and by-laws, as may be necessary for the regulation of the police of the town, and the preservation of order within the corporate limits. The mayor shall have power, through ordinances and by-laws passed for the purpose, to lay off streets, walks and alleys, designating each by name, and may alter, improve, and light the same, and have them kept in good order, may lay off public grounds and erect or purchase all buildings proper for the town, establish and regulate markets, provide, in or near the town, water works and burial places, for the due protection of which the jurisdiction of the town shall embrace the same, provide proper safeguards against injury by fire, prohibit on the written request of the owners of three-fourths of any square the erection of any but brick, stone or concrete buildings. He shall have power to abate nuisances, prevent, remove or correct whatever endangers the health or comfort of the town or its inhabitants, and shall preserve peace and good order therein. The mayor shall have power to appoint a surveyor, who shall be subject to his orders, and whose duties shall be defined by the board of aldermen.

Sec. 8. The mayor and board of aldermen are hereby empowered to open streets and alleys through private lots, if they deem it necessary, ascertaining the loss and injury to the proprietors by the verdict of twelve impartial freeholders of the town, and passing the amount so assessed in compensation therefor, and in absolute purchase of the premises thus appropriated. To defray the resulting expenses of the corporation in its different departments, the board shall have power to impose a tax on all property, real and personal, within the corporate limits, and on all professions, vocations and occupations which are liable to State tax—said corporation tax not to exceed one-fourth of the State tax. The violation of, or non-compliance with any ordinance respecting taxes or licenses shall be a misdemeanor punishable by fine not to exceed double the amount of the tax or license assessed. The assessment of any tax shall constitute a lien for the payment thereof on real property, and also on personal property, except in the hands of bona fide purchasers without notice. Taxes due and unpaid may be collected by sale under execution issued by the mayor.

Sec. 9. The board may allow and pay to the mayor an annual

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salary, which, with his fees, shall constitute the compensation for his official duties. They shall also fix and pay a proper compensation, by salary or otherwise, to all the officers hereinbefore specifically named, except themselves, and also to such others as, under their general powers, they may see fit to appoint. The compensation of the aldermen shall be two dollars per day for each day the board may be in session; provided, that no alderman shall draw pay in two rights.

Sec. 10. That the mayor, with a majority of the board, shall constitute a quorum for the transaction of business, and they shall have power to prescribe penalties for the violation of the ordinances of the corporation; provided, that they shall in no case prescribe penalties to exceed one hundred dollars, or imprisonment for more than twenty-four hours.

Sec. 11. That this act shall take effect and be in force from and after its passage.

Approved September 22, 1871.

CHAPTER IV.

An Act to Prohibit the Sale of Intoxicating Liquors in the Vicinity of Scyene Masonic Male and Female Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person to sell any intoxicating liquors, whether alcoholic, malt or distilled, within three miles of Scyene Masonic Male and Female Institute, except for medicinal purposes; and any person or persons offending against the provisions of this act, shall be guilty of a misdemeanor, and, on conviction thereof before the District Court of Dallas county, or before any justice of the peace in the precinct in which the town of Scyene is situated, shall be fined in any sum not less than ten nor more than one hundred dollars for each and every violation of this act.

Sec. 2. That proceedings under this act shall be commenced on affidavit, view or information. One half of the fine assessed against the offender shall go to the informer, and the other half to the treasury of Dallas county.

Sec. 3. That this act be in force sixty days from and after its passage.

Approved September 22, 1871.

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CHAPTER V.

An Act for the relief of the estate of Charles Garnet, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the estate of Charles Garnet, deceased, be and the same is hereby exempted from the provisions of section 161 of "An act prescribing the mode of proceeding in district courts in matters of probate," approved August 15, 1870.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed September 22, 1871.

The foregoing act, received in the office of Secretary of State October ten, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated, within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER VI.

An Act to authorize William Burney and Thomas Burney to erect a toll bridge over Pin Oak creek, in the county of Limestone, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That William Burney and Thomas Burney be and they are hereby authorized and empowered to erect a toll bridge over Pin Oak creek in the county of Limestone, where the public road from Springfield to Waxahachie and Dallas crosses the same; and that they be authorized and empowered to charge, receive and collect toll for crossing on said bridge, at the following rates, to-wit: For every footman, three cents; for every man and horse, ten cents; for

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every one-horse vehicle, twenty cents; for every two-horse vehicle twenty-five cents; for every ox wagon and two yoke of oxen, thirty cents; for every ox wagon and four or six yoke of oxen, fifty cents; for every four or six-horse wagon, fifty cents; for every two-horse wagon, twenty-five cents; for every loose horse, five cents; for cattle, sheep, goats, and hogs, per head, one cent.

Sec. 2. That the right and privilege herein granted shall inure to the benefit of said William Burney and Thomas Burney, their heirs and assigns, for twenty years; provided, however, that in order to secure the privileges conferred by this act, they shall, within twelve months from the passage thereof, erect and construct a good, safe and substantial bridge over the said Pin Oak creek, at the crossing aforesaid, and shall keep the same in good repair, and in the event of any accident or casualty destroying said bridge, the said William Burney and Thomas Burney shall re-construct the same within twelve months from the date of such accident or casualty, otherwise the franchise herein granted shall abate.

Sec. 3. That this act shall take effect and be in force from its passage.

The foregoing act, received in the office of Secretary of State, October sixteen, one thousand eight hundred and seventy one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER VII.

An Act to establish a ferry across the Big Brazos river, at or near the northwest corner of Robertson county, in the counties of Robertson and Falls.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. Parr and his heirs be and are hereby authorized to establish a ferry across Big Brazos river, at or near the north-west corner of Robertson county, on the road leading from Bremond, in

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Robertson county, to Belton, in Bell county; and that the said E. Parr and his heirs shall have the right to make their landing at any point on the bank of said river in Robertson and Falls counties.

Sec. 2. That it shall be the duty of E. Parr, and his heirs, to provide and keep in good repair all necessary and sufficient boats for the transportation across said river of all passengers, wagons and other wheel carriages, horses, oxen and stock of any description; and that upon providing and keeping such boats in good repair, they shall have the right to use and enjoy said ferry within the limits below stated for and during the term of twenty years.

Sec. 3. That no other ferry boats be permitted to ferry across the said river within two miles above and below said point on said river.

Sec. 4. That the said E. Parr and his heirs shall have for and during the term of twenty years, the right to charge such rates of toll as shall be determined by the county court of Robertson county.

Sec. 5. That the said E. Parr and his heirs shall enter into bond, with sufficient security, payable to the presiding justice of Robertson county, or successors in office, for all damages that may accrue from neglect of duty.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Passed September 26, 1871.

The foregoing act, received in the office of Secretary of State October sixteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER VIII.

An Act to Incorporate the Houston Schuetzen Verein.

Section 1. Be it enacted by the Legislature of the State of Texas, That Ed. L. Leonhardt, A. Hoffman, Peter Floeck, Fritz Duerer, Jacob Binz and Charley Gehrig, and their associates and successors, be and the same are hereby created a body politic and

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corporate, under the name and style of the Houston Schuetzen Verein, with power and authority to sue and be sued, to continue for fifty years, to have a common seal, and to hold real and personal estate, and generally to do and perform any and all acts necessary to carry out the objects of their incorporation.

Sec. 2. The objects of this incorporation are declared to be, the promotion of athletic and other sports, and innocent amusements, as well as to perfect the members in the art of shooting. And any person may become a member thereof by complying with the by-laws of said association, and subscribing this charter, and shall be entitled to all the rights and and privileges of said association.

Sec. 3. That said association may own and hold land in Harris county, not to exceed two hundred acres, for the purpose of their association.

Sec. 4. That one-fourth of the members are declared a quorum to do business and make by-laws for the government of said association, and such by-laws shall in all things govern the members of said association.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved September 28, 1871.

CHAPTER IX.

An Act to Authorize C. Duncan and G. W. Patten to Erect a Toll Bridge over Aquilla Creek in the County of McLennan, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. Duncan and G. W. Patten be and are hereby authorized and empowered to erect a toll bridge over Aquilla creek, in the county of McLennan, on what is known as the Dallas tract of land, and that they be authorized and empowered to charge and collect toll for crossing on said bridge at the following rates, to-wit: For every footman, three cents; for every man and horse, ten cents; for every one-horse vehicle, twenty cents; for every two-horse vehicle, twenty-five cents; for every ox wagon and two yoke of oxen, thirty cents; for every ox wagon and four yoke of oxen, fifty cents; for every four or six-horse wagon, fifty cents; for every loose horse, five cents; for cattle, sheep and hogs per head, one cent.

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Sec. 2. That the right and privilege herein granted shall inure to the benefit of the said C. Duncan and G. W. Patten, their heirs and assigns, for twenty years; provided, however, that in order to secure the privilege conferred by this act, they shall, within two years from the passage thereof, erect and construct a good, safe and substantial bridge over the said creek at the place aforesaid, and shall keep the same in good repair; and in the event of any accident or casualty destroying said bridge, the said Duncan and Patten shall re-construct the same within twelve months from the date of such accident or casualty, otherwise the franchise herein granted shall abate.

Sec. 3. That no bridge shall be permitted or allowed to collect toll or be erected with the right to do so for three miles above and below said bridge.

Sec. 4. That this act shall take effect and be in force from its passage.

Passed September 28, 1871.

The foregoing act, received in the office of Secretary of State October eighteen, one thousand, eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER X.

An Act for the relief of R. E. Borden, district attorney of the Third Judicial District.

Whereas, R. E. Borden was appointed District Attorney of the Third Judicial District of the State of Texas, on the nineteenth day of August, eighteen hundred and seventy, and on the first day of September following, entered upon the duties of said office, having taken the oath and prepared his bond as required by law; and

Whereas, the said R. E. Borden has continued faithfully to discharge the duties of said office, but the said bond was not filed until the fourth day of February, eighteen hundred and seventy-one, therefore,

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Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of said State be and he is hereby authorized and required to issue his warrant in favor of R. E. Borden for the sum of five hundred and fourteen dollars.

Sec. 2. That the State Treasurer is hereby authorized to pay the said draft out of any moneys in the Treasury not otherwise appropriated, the said R. E. Borden receipting for the same.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved September 28, 1871.

CHAPTER XI.

An Act to incorporate the Union Club of the city of San Antonio.

Section 1. Be it enacted by the Legislature of the State of Texas, That Joseph Hallam, James R. Davis, Henry James, Courtland Goodrich, Fayette Walker, John Montgomery, John Mazee, James Westmoreland, Henry Smith, and their associates and successors are hereby created a body corporate and politic, under the name and style of the Union Club of the city of San Antonio, and under said corporate name may sue and be sued, plead and be impleaded, and may take, hold, enjoy and grant property, both real and personal, and may execute and enforce all legal contracts; may have and use a corporate seal, and shall have the right of succession for ninety-nine years, and may adopt all such rules, regulations and by-laws as may become necessary for the organization and government of the said society.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved September 28, 1871.

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CHAPTER XII.

An Act to amend an Act entitled An Act to incorporate the Bank of Cleburne, approved May 25, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of said act shall hereafter read as follows: That there may be established in the town of Cleburne an association for the purpose of transacting a general banking and exchange business, which shall be called and known as the Savings Bank of Cleburne, and the stockholders and their successors shall have continuous succession for fifty years; and by that name shall be capable of suing and being sued in all the courts of this State, of purchasing, holding and conveying property of all descriptions, and shall have power to purchase real and personal property at any sale made to enforce its securities, or the payment of any debts due and sales made by virtue of any process, mortgage or deed of trust, and shall have the right to establish such branches and agencies as they may see proper; to make, have and use a common seal, and the same to alter or renew at pleasure, and generally to do any act necessary to carry into effect the objects of this corporation, not inconsistent with the laws of this State or of the United States.

Sec. 2. Be it further enacted, That the following sections be added to the original law: Sec. 12. That said corporation shall have power to borrow money, and to receive money on deposit, and to pay interest on deposits under such rules and regulations as shall be adopted by the corporation; to loan money and receive interest at such rates as may be agreed upon by the parties, and that in the computation of time thirty days shall be deemed a month; and to make such loans payable either within or out of this State, and take such security therefor, either real or personal, or both, as the contracting parties shall agree upon, and may secure the payment of such loans by deeds of trust, mortgage, pledge or otherwise, either within or out of this State. Sec. 13. That married women and minors may in their own name subscribe for stock and make deposits of money with said corporation, and receive certificates of stock and deposits in their own name, which stock and deposits shall be subject to their disposal and order only.

Sec. 3. That this act be in force from and after its passage.

Approved September 30, 1871.

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CHAPTER XIII.

An Act for the relief of the heirs of James C. Eccles, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to the heirs of James C. Eccles, deceased, a land certificate for twelve hundred and eighty acres of land; provided, however, that such certificate shall not issue until the conditional certificate for twelve hundred and eighty acres of land issued by the board of land commissioners of Jackson county to James C. Eccles, March 29, 1838, be returned and placed on file in the General Land Office.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed October 2, 1871.

The foregoing act, received in the office of Secretary of State October nineteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER XIV.

An Act to incorporate the Navasota Hebrew Benevolent Society.

Be it enacted by the Legislature of the State of Texas, That I. Y. Chiuski, A. Fox, L. Wilson, Simon Levy, J. Bock, Henry Cohen, S. Gabert, Jacob Sulke, and their associates, be and they are hereby empowered and constituted a body corporate and politic, under the name of the Navasota Hebrew Benevolent Society, who as such may sue and be sued in the courts of this

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State, may take, hold, enjoy and grant property, both real and personally; make, execute and enforce all legal contracts; may have a common seal, and shall have the right of succession; and may adopt all such rules, regulations and by-laws as may become necessary for the government of said society.

Sec. 2. That this act take effect from its passage, and continue in force for twenty-five years.

Approved October 4. 1871.

CHAPTER XV.

An Act to amend an Act entitled An Act to incorporate the city of Brenham and to grant a new charter to said city and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter, approved May 6, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of an act entitled "An act to incorporate the city of Brenham and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter," approved May 6, 1871, be so amended as to read as follows:

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants within one and one-half miles of the court house in Brenham shall constitute a body politic and corporate, with succession, by the name and style of the City of Brenham, and as such by that name shall be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded in all courts and places, and in all matters, whatsoever, may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said city, and may have and use a corporate seal.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved October 4, 1871.

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CHAPTER XVI.

An Act to amend an Act to incorporate the Sabine and Neches Bridge Company, passed May 18, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two of the above entitled act shall be so amended as to read as follows: Said company are hereby authorized to construct a safe and substantial bridge across the Sabine river, at a point as near as practicable on a direct line from Tyler to Quitman, in this State; also to construct bridges of similar description across the Neches river and Kickapoo creek, between Tyler and Athens, in this State.

Sec. 2. That section four of the above entitled act shall be so amended as to read as follows: That no person or persons shall be authorized to construct a toll bridge or operate a ferry and collect toll within two miles of either of said bridges on said streams.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Passed October 12, 1871.

The foregoing act, received in the office of Secretary of State October twenty-seven, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER XVII.

An Act amendatory of an Act, approved October 1, 1866, entitled An Act granting to James L. Tarver the privilege of constructing a ferry across Big Cypress.

Section 1. Be it enacted by the Legislature of the State of Texas, That section five of an act entitled "An act granting to James L. Tarver the privilege of constructing a ferry across Big

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Cypress, approved October 1, 1866, be and the same is hereby amended so that the said section shall read as follows: Sec. 5. That the County Court of Upshur county shall appoint two commissioners, on the application of the proprietors of such ferry, citizens of said county, whose duty it shall be to examine and approve said ferry, as well as the causeways and bridges on each side of the creek, authorized by this act to be constructed and made, and report the same, whenever completed and in good order, to said county court, at a regular meeting thereof; and whenever the said road and bridges or ferries shall have been examined and reported in good order by said commissioners, said company shall be entitled to demand and enforce the collection of toll or ferriage at the rates specified in the fourth section of this act.

Sec. 2. That section eight of the said act of which this act is amendatory, shall hereafter read as follows: Sec. 8. It shall not be lawful for any person or persons to erect any toll bridge or establish a ferry within three miles of the location of this ferry during the period of time allotted to the party above named.

Sec. 3. That this act take effect from and after its passage.

Passed October 13, 1871.

The foregoing act, received in the office of the Secretary of State October twenty-three, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER XVIII.

An Act to Authorize John R. Strickland and Douglass Pucket to Establish a Ferry on Big Cypress Creek.

Section 1. Be it enacted by the Legislature of the State of Texas, That John R. Strickland and Douglass Pucket be and are hereby authorized to establish a ferry on Big Cypress creek, in the counties of Upshur and Titus, at or near a point where the Pittsburg and Jefferson road crosses said stream; provided, said parties own the land on both banks of said stream at said point.

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Sec. 2. That the rates of toll charged and collected by said Strickland and Pucket shall be fixed by the County Court of Upshur county, and they shall pay such license tax as may be assessed by said court, in accordance with existing laws regulating ferries; provided, that said Pucket and Strickland shall be required to pay a license tax in but one county for such ferry privileges.

Sec. 3. That said Pucket and Strickland shall in all respects be governed by the laws of this State regulating ferries, where the same shall not conflict with the provisions of this act.

Sec. 4. That said parties shall construct good, safe boats, and shall likewise have the banks of said stream to comply in all respects with existing laws upon the subject of ferries, within one year from the passage of this act, and in case of failure shall forfeit all privileges granted by this act.

Sec. 5. That this act shall take effect and be in force for ten years from and after its passage.

Passed October 13, 1871.

The foregoing act, received in the office of Secretary of State October twenty-three, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER XIX.

An Act to Incorporate the town of Pittsburg, in Upshur County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Pittsburg, in Upshur county, be and they are hereby declared a body politic and corporate, under the name and style of the corporation of the town of Pittsburg, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real and personal; provided, such real property is situated within the limits of said corporation.

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Sec. 2. That it shall be the duty of the citizens of said corporation to elect a mayor, five aldermen, and a constable, who shall also be exofficio, assessor and collector of taxes; and a treasurer and secretary shall be elected by said mayor and aldermen. The treasurer and assessor and collector of taxes shall be required to give bond, with security to be approved by the presiding officer, for the faithful performance of their duties, and to make reports, when required by the mayor or board of aldermen; and the mayor shall have power, when necessary, to suppress riots and disturbances, and to call out the citizens of said corporation for the purpose of restoring order.

Sec. 3. The mayor, aldermen and constable shall, for the present time, be appointed as provided for in an act entitled "An act to authorize the Governor to appoint certain officers to fill vacancies," and upon the expiration of their term of office, there shall be an election held, under the direction of the mayor, who shall give at least ten days notice of such election before his term of office shall expire, and said elections for the offices as aforesaid, shall be held every two years thereafter; and all male inhabitants of said town, who have resided within its limits for the space of four months preceding any election, and who are qualified voters under the Constitution and laws of this State shall be deemed qualified electors of said corporation.

Sec. 4. That the mayor and board of aldermen of said corporation shall have power to pass such rules, regulations and ordinances as may be necessary for the regulation of the police, and the preservation of order within the corporate limits; for the levying of taxes; for the removal of nuisances, and keeping the streets in good order; and for any and all purposes tending to promote good order and government; and they shall have power to prescribe and enforce the collection of penalties for the violation of the ordinances of the corporation; provided, no tax shall ever be levied exceeding one half the State tax allowed by law; and provided further, that they shall in no case prescribe penalties to exceed one hundred dollars, or imprisonment for more than twenty-four hours.

Sec. 5. That the limits of said corporation shall extend one half mile in every direction from the Pittsburg Institute, in said town of Pittsburg.

Sec. 6. That the mayor, with a majority of the board of aldermen, shall constitute a quorum for the transaction of business, and in the absence of the mayor, the boards of aldermen shall elect one of their own number, mayor pro tempore.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved October 13, 1871.

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CHAPTER XX.

An Act to Prohibit the Sale of Intoxicating Liquors within Certain Limits of the High School at Edom, Van Zandt County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That no person shall be permitted to sell or distribute any spirituous, vinous or other intoxicating liquors within two miles of the High School at Edom, in Van Zandt county, Texas; provided, that this act shall not prohibit any person from purchasing the same for medical purposes, under the prescription of some practicing physician, or for sacramental purposes.

Sec. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction, shall be fined in a sum not less than ten nor more than one hundred dollars for every such offense.

Sec. 3. That this act take effect and be in force for fifty years from and after its passage.

Approved October 13, 1871.

CHAPTER XXI.

An Act to Authorize Robert Holmes and Others to Construct a Boom across the Brazos River.

Section 1. Be it enacted by the Legislature of the State of Texas, That Robert Holmes and such other persons as he may associate with him, be and they are hereby authorized to construct a floating boom across the Brazos river for the purpose of rafting timber within the limits of the city of Waco, Texas, and at any convenient point to the upper line of the corporate limits of Waco; provided, that this act shall not in any way interfere with the rights of the Waco Bridge Company.

Sec. 2. That the said Robert Holmes, and those associated with him, shall construct said floating boom within two years from the passage of this act, and in case of failure so to do, then this act and all rights thereunder stand annulled.

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Sec. 3. That the said Robert Holmes, and his associates shall have and enjoy the right to use the banks of said river for the purpose of landing their timber and getting it on high ground, and that this act and the rights hereunder be in force for ten years; and that this act take effect from its passage,

Approved October 13, 1871.

CHAPTER XXII.

An Act Supplementary to an Act Entitled an Act to Incorporate the Western Narrow Gauge Railway Company, Passed August 4, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That stockholders in the Western Narrow Gauge Railway Company may be eligible as directors in said company, although non-residents of Texas. That the president of said company shall be a citizen of Texas during the time he may hold said office. That said railway company may receive donations or subscriptions to their capital stock in land, and may hold, possess and convey the same for the use and benefit of said company. That said company are hereby empowered to build their railway bridges across all streams on the line of their railway, so as to accommodate ordinary highway travel as well as railway transit. That the counties in which said bridges may be located are hereby authorized and empowered to subscribe to the stock of said company, or otherwise aid said railway company, to an amount sufficient to cover the additional expense to be incurred in constructing said bridges, for the double purpose contemplated. That said railway company shall have power to levy and collect such tolls as may be just and equitable on passengers, vehicles, cattle and animals that may cross over said bridges. That anything in the charter of the Western Narrow Gauge Railway Company, contrary to this supplement, is void and of no effect. That this supplementary act shall take effect and be in force from and after its passage.

Approved October 13, 1871.

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CHAPTER XXIII.

An Act to Incorporate the Corpus Christi and Rio Grande Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. King, P. Doddridge, J. B. Mitchell, Lewis G. Brown, U. Lott, Thos. Kearney, Wm. Headen, Ed. Buckley, N. Gussett, John Rabb, W. W. Wright, and Hines Clark, of Nueces county, and S. M. Jarvis, Santos Benavides, Nicholas Sanchez, and C. M. McDonnell, of Laredo, and their associates and successors, be and they are hereby created and constituted a body corporate and politic, under the name and style of the Corpus Christi and Rio Grande Railroad Company, and under said name shall have succession and a common seal, with capacity to make contracts; and in its said corporate name to sue and be sued, to grant and receive, to make by-laws for its general government and the management of its business, and generally to do and perform all such acts and things as may be necessary and proper for or incidental to the fulfillment of its obligations or the maintenance of its rights under this act, and consistent with the Constitution of this State and of the United States; and the said above named corporators shall constitute a board of directors for the time being, a majority of whom shall constitute a quorum to do business, and the first meeting of said board shall be held in the city of Corpus Christi on or before the first day of January, 1873; notice of the time of holding said first meeting shall be given by a notice signed by a majority of said incorporators, published once a week for two weeks in a daily newspaper published in the city of Galveston, and also for four weeks in a weekly newspaper published in the city of Corpus Christi; said board shall then permanently organize by electing, by ballot, from their number a president and vice president, and shall appoint a secretary and treasurer and such other officers as they may deem necessary for their organization, who shall hold their offices until their successors are elected as hereinafter provided; the treasurer of said company shall be required to give bond in such amount as may be deemed proper by a majority of the directors.

Sec. 2. That said company is hereby authorized to construct, own and maintain, and to equip and operate a continuous line of railway, with a single or double track of such gauge as shall be deemed best adapted to the nature of the country, and the transaction of the business of the section of country in which located, from a point at

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or in the vicinity of Corpus Christi, to a point upon the Rio Grande river, at or in the vicinity of Laredo; said company is also hereby authorized to construct, own and operate a telegraph line between the points above mentioned.

Sec. 3. That the State of Texas hereby grants to said company the right of way, to the extent of two hundred feet in width over all lands in the State along the line of its railroad, for the track or tracks thereof, and the use of such amount of said lands as may be actually necessary for sidings, turnouts, depots, station houses and machine shops, and for the location and maintenance of wells, water tanks, and all other necessary buildings incidental to its uses and purposes in the construction and operation of said railway or telegraph line; also, the right to take from all lands belonging to the State, within ten miles of the located line of its said railroad, such timber, rock, earth and other material as may be needed for the construction and operation of its railroad; also, the right to cross and bridge all rivers and water courses, and construct, operate and maintain ferries along said line, subject to the laws of the State in regard to the navigation thereof; also, the right to cross the track of any other railway along said line, which it may intersect.

Sec. 4. That it shall be lawful for said company to enter upon and purchase, and otherwise take and hold any lands necessary for the purpose of establishing, constructing and maintaining said railway and all necessary depots, sidings, turnouts, machine shops and other buildings connected with said railway, and if they shall not be able to obtain said lands by agreement with the owners thereof, they shall institute proceedings therefor, and acquire and pay for said lands in accordance with the provisions of the general railroad law of this State governing such matters.

Sec. 5. That the capital stock of said company shall consist of one million of dollars, divided into shares of one hundred dollars each, with liberty to increase said stock whenever the holders of a majority of the issued stock shall so desire, to an amount not to exceed two millions of dollars. Each share of stock shall entitle the holder thereof to one vote, either in person or by proxy, at all meetings of the company; provided, that any action or vote of two-thirds of said stock, expressed in writing or by vote, at any meeting of said company, shall be binding on all of the stock of said company. Said shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded by the secretary in the books of the company, kept by him in his office, or in such other or further manner as the by-laws of said company may provide; and said company may establish an office for the transfer of its stock, out of the State, under such rules and regulations regard-

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ing the same as may be deemed best and expedient, and as shall be provided in the by-laws of said company.

Sec. 6. That the immediate control and direction of the affairs of said company shall be vested in a board of not less than seven directors, to be annually chosen at a regular election by the stockholders, and said directors shall elect from their number one president and one vice president. Whenever two hundred thousand dollars of said capital stock of said company shall have been subscribed and ten per cent. thereof actually paid in, said company may commence the construction of their works. Said board of directors shall have authority to fill any vacancy in the office of president, or in their own body arising from death, resignation or any other cause; to appoint, fix the salaries of, and at any time remove such agents or employes as they may deem necessary or proper in the transaction of the business of said company; and at the time and place of the first meeting, the above named directors for the time being, shall make and present for ratification, by a vote of the holders of a majority of the stock, such by-laws as they shall consider necessary for the carrying out of the provisions of this charter and the business of the company.

Sec. 7. That the holders of one-third of the issued stock may call a meeting at the office of the company for such purpose, and for the transaction of such business as shall be designated in the notice calling the meeting; said notice shall be given by a publication similar to that mentioned in the first section of this act. The president and vice president, or either of them, and three directors, shall have power to call a meeting of the board of directors whenever in their judgment it may be necessary and proper; provided, that twenty days' notice thereof shall be given to each director in writing, either by delivery of the same at his usual place of business, or at his residence, or by mailing the same to him, as may be most convenient.

Sec. 8. That said company shall have power, and is hereby authorized to borrow money or to purchase property upon its own credit, for the purpose of constructing and maintaining its railroad, and may issue its bonds and obligations therefor, payable at such time and place, and at such rates of interest in the lawful money of the United States, or in the gold coin of the United States, as the directors of said company may elect, and to secure the payment of said bonds or obligations, may mortgage its railroad, its capital stock, its corporate franchises, and any and all of its property, real and personal, or any part or portion thereof, in such manner and form as said company or its directors shall deem best and expedient.

Sec. 9. That said company shall commence work on its road

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within one year after its permanent organization, and shall complete twenty miles of its road within two years after its permanent organization, and annually thereafter complete twenty-five miles; and any failure upon the part of said company to complete its road at such rates and within the period of time as hereinbefore stated, shall work a forfeiture of all further rights and privileges.

Sec. 10. That the principal office and legal domicile of said company shall be located at Corpus Christi.

Sec. 11. That the rights and privileges granted by this act shall remain and be in force for sixty years after its passage.

Sec. 12. That this act shall take effect and be in force from and after its passage.

Approved October 13, 1871.

CHAPTER XXIV.

An Act to amend An Act entitled An Act to Incorporate the San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company, approved May 19, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter section three of an act entitled "An act to incorporate the San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company," approved May 19, 1871, shall read as follows, to-wit: "That the object of said company is declared to be the express and transportation business; to establish express and transportation routes from San Antonio via Victoria and Indianola to New Orleans; from San Antonio via Columbus to New Orleans; from San Antonio via Austin to Fulton, on Red River; from San Antonio to the place of crossing on Red River, of the Kansas, Missouri and Texas Railroad; from San Antonio to El Paso; from San Antonio to Eagle Pass, and from San Antonio to the Rio Grande at or near Laredo; to own cars, wagons and other vehicles, used for express and transportation business; to run its own cars over all railroads subject to existing laws and to the terms of contract with any railroad company; to make contracts, to forward by railroads, steamboats, steamships and other rapid modes of conveyance by sea or land, bank notes, coin, jewelry and valuables of every description, all kinds of merchandise, stock animals and all kinds of personal

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and movable property; to draw bills of exchange; to make collections of money, drafts, notes and all other species of debts, claims and demands; and to insure articles of all kinds sent by their express on transportation; and generally, to transact all business direct and incidental connected with the express or transportation business."

Sec. 2. That this act take effect and be in force from and after its passage.

Approved October 13, 1871.

CHAPTER XXV.

An Act to amend An Act entitled An Act to prohibit the sale of Spirituous, Vinous or other Intoxicating Liquors with five miles of the public square in the town of Alvarado, Johnson County, Texas, approved November 10, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That the caption of an act entitled "An act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of the public square in the town of Alvarado, Johnson county, Texas," approved November 10, 1866, shall hereafter read as follows: "An act to prohibit the sale of intoxicating liquors within two miles of the Alvarado High School, Johnson county."

Sec. 2. Be it further enacted, That section one of said act shall hereafter read as follows: "That it shall be unlawful for any person or persons to dispose of any intoxicating liquors by sale or otherwise, except for medicinal or sacramental purposes, within two miles of Alvarado High School, Johnson county."

Sec. 3. Be it further enacted, That the following be added: "That any person or persons violating the provisions of the foregoing act shall, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars for each and every offense."

Sec. 4. That this act take effect and be in force from and after its passage.

Approved October 13, 1871.

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CHAPTER XXVI.

An Act to Incorporate the Edon Academy in Cooke County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. S. Riley, Reason Jones, A. C. Davis, Stephen Sanders, Patrick Sanders, J. C. Montgomery and John Shipley, be and they are hereby constituted a body corporate and politic for educational purposes by the name and style of Edon Academy, by which name they may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and for the purpose and object of maintaining an institution of learning in Cooke County, Texas.

Sec. 2. That the management of said institution shall be vested in the above named persons as a board of trustees, who shall elect one of their own number chairman of the board and they also shall elect one treasurer and one secretary. The chairman shall preside at the meetings of the board, but in his absence a chairman pro tempore may be appointed by said board. The treasurer shall be elected for one year; he shall keep a record of all notes and papers of value, also, all moneys received and paid out by him, paying out the same by order of the trustees, signed by the president of the board; he may be removed at any time for a direliction of duty by a vote of two-thirds of the trustees. The secretary shall be elected for one year; he shall attend the meetings of the board of trustees, and shall keep a fair record of all its proceedings and resolutions, also such by-laws and regulations as may be passed by said board for the government of the schools.

Sec. 3. That no money shall be paid out of the treasury except by order of the trustees, or a majority of them, signed by the president of the board; the said board shall have power to elect a president and as many professors and teachers in the school as the educational interest of the school may require and they shall assign to all persons so employed their duties respectively and their salaries. The said board shall have power to enact such by-laws as they may deem necessary for the government of the school; provided, the same be not in contravention of the Constitution or laws of this State.

Sec. 4. That the said institute shall act for educational purposes, and shall never become sectarian in its character, nor shall the pe-

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culiar doctrines of any religious denomination be taught in any of the departments of said institute.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved October 13, 1871.

CHAPTER XXVII.

An Act supplemental to and amendatory of An Act entitled An Act to incorporate the City of San Antonio and grant a new Charter to said city, and to repeal An Act entitled An Act to incorporate the City of San Antonio, approved July 17, 1856, and An Act entitled An Act to amend An Act to incorporate the City of San Antonio, approved February 11, 1860, approved August 13, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section five of an act entitled "An act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and an act entitled 'an act to amend an act to incorporate the city of San Antonio, approved February 11, 1860,' approved August 13, 1870," be so amended as to read as follows, to-wit: "Section 5. That at the first general State election held after the adoption of this act, a mayor, recorder, and city councilmen, shall be voted for in the same manner and under the same regulations as other officers at that election; the returns of such election for mayor and councilmen to be made in the same manner herein provided."

Sec. 2. That so much of said act as is embraced under article five, Board of Education, from section 138 to section 171, inclusive of the sections named, is hereby repealed.

Sec. 3. That the mayor and city council shall constitute a board of trustees, who shall have exclusive management of the city school fund and all property real and personal belonging to said fund, and shall have power to transfer any and all moneys arising from the sale of city school property, or from interest or investments made or to be made hereafter to support or maintain a system of public free schools, to the State authorities for the maintenance and

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support of public free schools in the city, and to transfer, lease or rent all school buildings owned by the city, to the State for public school purposes.

Sec. 4. That the treasurer of the city shall be, ex officio, the treasurer of the board of trustees.

Sec. 5. That the mayor and city council, acting as such board of trustees, shall be empowered to make all needful regulations for their own government not contrary to the Constitution and laws of this State, and to regulate the receipt and disbursement of all school funds.

Sec. 6. That this act take effect and be in force from and after the date of its passage.

Approved October 13, 1871.

CHAPTER XXVIII.

An Act to Amend An Act Approved May 2, 1871, Entitled An Act to Amend An Act Entitled An Act to Incorporate the Galveston City Railroad Company, Approved October 8, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of an act approved May 2, 1871, entitled "An act to amend an act entitled 'an act to incorporate the Galveston City Railroad Company,'" approved October 8, 1866, be and the same is hereby amended so as to read as follows: "Section 1. Said company shall have and use a common seal, shall be subject to sue and be sued, plead and be impleaded, and shall have a right to buy and hold, to sell and convey property, real, personal and mixed, for the uses of the company; but no real estate shall be bought or sold, nor shall there be any material extension of said tracks, or change or removal of main tracks or routes, except by consent of a majority of the stock voting under the rules of the company, or expressed in writing. The said tracks now laid may be doubled on any street, or changed and shifted to any street heretofore granted by the city council to the uses of said company. Said company shall, within six months after the passage of this act, connect their tracks on Bath Avenue and Center street, on the sea-side, by a track double or single on the Avenue, running east and west, between

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Avenue Q and Avenue R. Any action of a majority of the stock of said company, voting under its rules or expressed in writing, shall be binding on all the stock of the company."

Sec. 2. This act shall take effect from and after its passage.

Approved October 13, 1871.

CHAPTER XXIX.

An Act to Incorporate the Yorktown Fire Company Number One, of the Town of Yorktown, in the County of Dewitt.

Section 1. Be it enacted by the Legislature of the State of Texas, That Julius Meyer, A. Burow, B. Burow, J. Reuser, R. Gohmert and their associates and successors, shall be and they are hereby, constituted a body politic and corporate as a steam fire company for the town of Yorktown, under the name of the Yorktown Fire Company No. 1, with power to sue and be sued, plead and be impleaded; to appear and prosecute to final judgment in any court or elsewhere; to have a common seal, with such device as they may adopt; to elect in whatever manner they may choose the officers necessary to command them; to establish by-laws for the government and regulation of their officers, not inconsistent with the Constitution and laws of this State, and the same to alter and amend at pleasure; and to hold real and personal property and to dispose of the same; provided, however, such real estate and personal property shall at no time exceed the sum of twenty-five thousand dollars in value, and that the number of said company shall never exceed twenty members, rank and file.

Sec. 2. That the actual and active members of said company shall be exempt from serving on juries, except in capital cases.

Sec. 3. That said company shall have power, by their constitution and by-laws, to try all violators of their own ordinances, agreed upon by a majority of the members of said company, to suspend, expel, or fine, not exceeding ten dollars, those violating the constitution and laws of said company.

Sec. 4. That this act of incorporation shall be and continue in force for and during the term of thirty-nine years from and after its passage.

Passed October 16, 1871.

The foregoing act, received in the office of Secretary of State

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October twenty-six, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER XXX.

An Act to Authorize Howard Keyes and His Associates to Construct a Toll Bridge Across Lake Fork of Sabine River.

Section 1. Be it enacted by the Legislature of the State of Texas, That Howard Keyes and his associates and successors are hereby authorized and empowered to construct a toll bridge across Lake Fork of Sabine river, in Wood county, at or near the mouth of Caney creek, on the Quitman and Emory road; and the above named Howard Keyes and his associates and successors shall be allowed to erect a toll gate; shall have the right of way and all other rights and privileges necessary to keep up said toll bridge, slough bridges and road, for twenty-five years.

Sec. 2. That said Howard Keyes and his associates shall keep said toll bridge and road through the bottom of said creek in good repair, under the supervision of the County Court of Wood county, and shall be allowed to charge the following rates of toll and no more, to-wit: For each footman, five cents; for each led horse, five cents; for each head of stock cattle, three cents; for each head of beef cattle or loose horses, four cents; for each man and horse, ten cents; for each horse and buggy, twenty-five cents; for each two-horse carriage or buggy, forty cents; for each wagon and two horses or one yoke of oxen, twenty-five cents; for each additional pair of horses or oxen, fifteen cents.

Sec. 3. That said Howard Keyes and his associates shall construct the said bridge from the timber and dirt of the land which they may purchase, and they shall not be permitted to prevent individuals from traveling any other road than by said bridge.

Sec. 4. That if any person shall wilfully fail or refuse to pay tolls after crossing said bridge, he shall be liable to forfeit and

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to pay to the said company the sum of five dollars and costs of suit, recoverable before any justice of the peace as in other cases.

Sec. 5. That no other toll bridge shall be constructed across Lake Fork within three miles above and three miles below said bridge, and that said bridge shall be completed within two years from and after the passage of this act.

Sec. 6. That this act take effect and be in force from and after its passage.

Passed October 16, 1871.

The foregoing act, received in the office of Secretary of State October twenty-six, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER XXXI.

An Act to Incorporate the Colorado Fire Company Number Two of the City of Austin.

Section. 1. Be it enacted by the Legislature of the State of Texas, That C. F. Millett, J. S. Barnard, John A. Cunningham and C. M. Schutze, of the county of Travis and State of Texas, and their associates and successors, be and they are hereby constituted a body politic and corporate under the name and style of the Colorado Fire Company No. 2, and by that name shall have succession and be capable of suing and being sued; of defending and being defended in any of the courts of this State; to acquire, hold and sell property, real, personal and mixed, not to exceed in value ten thousand dollars; may use a corporate seal, and may alter and change the same at their pleasure; may contract and be contracted with, and make all rules and by-laws that may be necessary for the government of the company, and have and exercise all the powers and rights generally incident to such companies.

Sec. 2. That said company shall have power, by their constitution and by-laws, to suspend, expel, or fine not to exceed, in any one

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instance, the sum of five dollars, any of its members for neglect of duty or for violation of the constitution and laws of said company.

Sec. 3. That the members of said company shall never be less than twenty nor more than fifty in number.

Sec. 4. That the members of the company who shall have served therein for one year shall be exempt from militia duty and service as jurymen, except in capital cases.

Sec. 5. That neither the company nor its members shall be liable in damages or otherwise for property destroyed or injured by the company while in the discharge of their duties as firemen.

Sec. 6. That all property of the company shall be exempt from taxation for State or county purposes.

Sec. 7. That this act take effect and be in force from and after its passage.

Passed October 16, 1871.

The foregoing act, received in the office of Secretary of State October twenty-six, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER XXXII.

An Act to Incorporate the Indianola Colored Benevolent Society.

Section 1. Be it enacted by the Legislature of the State of Texas, That Stephen Williams, Peter Thaupe, Jacob Harris, Philip Jones, Banister Prior, Edward Peyton, of Indianola, county of Calhoun, together with their associates and successors, be and they are hereby constituted a body politic and corporate for benevolent purposes, to be exercised in taking care of the aged, infirm, indigent and sick, and for providing for the orphan children of their own race, under the name and style of the Indianola Colored Benevolent Society, and by that name shall be capable of suing and being sued, of defending and being defended in any of the courts of this State; of

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acquiring and holding estate, real, personal and mixed, and of encumbering, selling, or otherwise alienating the same, as said society may deem expedient; provided, the amount of property held by said corporation shall, at no time exceed one hundred thousand dollars.

Sec. 2. That said corporation shall elect a president, vice president, secretary and treasurer, together with such other officers as may be deemed necessary for the purpose of carrying out the objects and purposes of the society, to be provided for by their by-laws.

Sec. 3. That said corporation shall have power to enact such by-laws, rules and regulations for its government as do not conflict with the Constitution and laws of this State, and may also adopt a common seal.

Sec. 4. That said Indianola Colored Benevolent Society be and the same is hereby authorized and empowered to create, by charter or dispensation, other benevolent societies, within this State, for like objects and purposes; and such other benevolent societies, when created, shall be subordinate to and under the general government and control of the Indianola Colored Benevolent Society, and said Indianola Colored Benevolent Society may enact all such constitutions, regulations and rules as they may deem proper for the government of such subordinate benevolent societies.

Sec. 5. That said corporation shall have full power to fix the terms of all its officers, and provide by their by-laws for the manner of electing them.

Sec. 6. That this charter shall continue as long as said society shall confine itself to the objects and purposes for which it is created, but shall not exceed the term of fifty years from and after the passage of this act.

Sec. 7. That this act take effect from and after its passage.

Approved October 18, 1871.

CHAPTER XXXIII.

An Act to Incorporate the Officers and Members of the Fort Worth Masonic Institute No. 148, A. F. and A. Masons, at Fort Worth, Tarrant County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the Fort Worth Masonic Lodge No. 148, A. F. and A. Masons, and their successors and

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future associates, be and they are hereby created a body politic and corporate by the name and style of Fort Worth Masonic Lodge No. 148, A. F. and A. Masons, and by that name shall be capable of acquiring, holding, selling and conveying property, real, personal or mixed; provided, the same shall not exceed in value at any one time the sum of twenty-five thousand dollars, and they may establish and manage institutions of learning in the usual manner, and under such rules and regulations as they may think proper to make, not inconsistent with the Constitution and laws of the State of Texas.

Sec. 2. That said corporation may, by the name and style aforesaid, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all suits, actions, demands, pleas or complaints of any character, in any court of law or equity within this State.

Sec. 3. That the said corporation may have a common seal, may make, repeal or change a constitution and by-laws for their government, not inconsistent with the laws of the land, and shall in general have and exercise all rights, privileges and immunities by law incident to and commonly enjoyed by corporations of like kind, for and during the term of twenty-five years.

Sec. 4. That in any suit or other proceeding against the said corporation, service of process, or of notice, or of any other papers may be made by delivering to any officer of the corporation a copy thereof duly certified, and the officer or other person serving the same shall state in his return the officer of the corporation upon whom it was served, naming him.

Sec. 5. That any deed of conveyance duly signed and executed by the officers of said corporation, in pursuance of a resolution authorizing the same, shall be deemed valid in law, and shall have the same force and effect as any other deed of conveyance.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Approved October 18, 1871.

CHAPTER XXXIV.

An Act for the Relief of George Cox.

Whereas, The board of land commissioners for Red River county did, on the seventh day of March, 1842, issue to George Cox conditional certificate No. 199, class fourth, for three hundred and

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twenty acres of land; and the board of land commissioners for Dallas county, on the twelfth day of January, A. D., 1847, issued to said George Cox unconditional certificate No. 6, fourth class, for three hundred and twenty acres of land by virtue of the aforesaid conditional certificate No. 199; and

Whereas, the clerk of the board of land commissioners of Dallas county did omit to insert the names of the witnesses in his report of said unconditional certificate No. 6, fourth class, but reported the same correctly in all other respects, for which omission the commissioner of claims did suspend the issuance of patent on said unconditional certificate No. 6, fourth class; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to issue to George Cox, or to his legal representative, a patent for three hundred and twenty acres of land by virtue of unconditional certificate No. 6, class fourth, issued to said Cox by the board of land commissioners of Dallas county on the twelfth day of January, A. D. 1847.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved October 18, 1871.

CHAPTER XXXV.

An Act to Incorporate the Texas Stockraising Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William F. Shaffer, R. R. Robertson, William C. Wagley, U. P. Turner, A. T. Morris, Charles Termis and James Sykes, their associates and successors, are hereby created a body corporate and politic, with full power in their corporate name, to-wit: the Texas Stockraising Company, to make contracts of every description necessary to the furtherance of the objects of said organization; to purchase and hold, sell and convey property, both personal and real, to execute and take leases, mortgages and trusts, and all other instruments necessary to the furtherance of the object of their said association; to buy and sell cattle, horses, etc., and have and record a brand or brands, and to do and perform all other things necessary in the transaction of their business; to take and receive grants or gifts, to have succession and a common seal, to

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make by-laws, rules and regulations for the government of their affairs; to sue and be sued, plead and be impleaded, in all the courts of this State; to declare dividends upon its profits, and to do and perform every act incident to their organization necessary to the fulfillment of their duties and protection of their rights under this grant, and consistent with the laws and Constitution of the State.

Sec. 2. The officers of the association shall consist of seven directors, from which number there shall be elected a president and vice president. The election of said directory shall be had annually after the first election. Said directory, or a majority of them in session, may appoint such subordinate officers and agents as may be deemed necessary, and provide for such compensation of all officers and employés as they may determine. The term of office of the subordinates and employés shall be at the will of the directory.

Sec. 3. The capital stock of said company or association shall be fifty thousand dollars, with power to increase the same hereafter to five hundred thousand dollars.

Sec. 4. The said capital stock of fifty thousand dollars shall be divided into shares of one hundred dollars, and may be payable in installments of twenty dollars per month on each share, or in such manner and sums as the directory may hereafter determine by by-laws or regulations.

Sec. 5. Should any stockholder fail to pay any instalment or payment due the association, then in such case the stock of said delinquent stockholder may be sold at the company's office, after giving thirty days' notice thereof in some newspaper published in the city of Houston, and the right and title to such stock so sold shall be deemed good and valid in law and equity.

Sec. 6. Whenever twenty per cent. of the minimum capital herein provided shall have been paid in, the said association or company may proceed to an organization conformable to the terms hereof. And for the purpose of collecting said twenty per cent, and issuing stock therefor, the incorporators hereinbefore named may at once proceed to organize said company by electing from their number a president, vice president and treasurer, who shall perform all the duties incident hereto, until a full organization of said company by an election of directors as aforesaid.

Sec. 7. Upon the full payment of said twenty per cent., the president, as herein provided for, shall give thirty days' notice of an election to be held at the office of said company, in the city of Houston, for the election of a full board of directors and officers, as herein provided, to serve for twelve months from the day of election.

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Sec. 8. Service of legal process upon the said company may be had in the manner now prescribed by law.

Sec. 9. This charter shall continue twenty-five years, and take effect from its passage.

Approved October 18, 1871.

CHAPTER XXXVI.

An Act to Incorporate the Washington Steam Fire Engine Company Number One, of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That David Wakelee, Harry Munn and Martin A. Davey, their associates and successors, be and they are hereby created a body politic and corporate under the name and style of the Washington Steam Fire Engine Company No. 1, and by that name shall have succession, and may sue and be sued, plead and be impleaded, have and use a corporate seal, buy, sell and hold property, real, personal or mixed, not to exceed in value twenty thousand dollars at any one time, may contract and be contracted with, and make all rules and by-laws that may be necessary for the government of the company, and have and exercise all the powers and rights generally incident to such companies.

Sec. 2. That said company shall have the right, in its constitution or by-laws, to impose fines upon its members for neglect of duty, not to exceed in any one instance five dollars, which may be collected in the name of said company by suit before any justice of the peace in the county of Galveston.

Sec. 3. That the members of said company shall never be less than twenty nor more than sixty in number.

Sec. 4. That the actual active members of the company, not in arrears on the books, shall be exempt from militia duty and from service as jurymen, except in capital cases.

Sec. 5. That neither the company nor its members shall be liable in damages or otherwise for property destroyed or injured by the company, while in the discharge of their proper duties as firemen.

Sec. 6. That this act take effect from and after its passage.

Passed October 23, 1871.

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The foregoing act, received in the office of Secretary of State November one, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER XXXVII.

An Act to Provide for the Relief of the Heirs of Charles G. Bryant, Deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of the State of Texas be instructed, and is hereby authorized to issue unto the surviving heirs of Charles G. Bryant, to-wit: Charles C. Bryant, Martin V. Bryant, Dewitt Clinton Bryant, Edwin Moore Bryant, Wolfred Nelson Bryant, and Welthea E. Graham, a warrant for six hundred and forty acres of the public domain of the State of Texas for balance due Charles G. Bryant, deceased, upon his headright, as belonging to class second of immigrants to and under the Republic of Texas, as defined by the laws governing the classification of immigrants, he, the said Charles G. Bryant as the "head of a family," coming within the provisions of such laws, and having been embraced within the reports of the boards of land commissioners under the Republic of Texas as belonging to the second class of immigrants, being entitled to the full benefits of the operations of such law or laws.

Sec. 2. Be it further enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office for the State of Texas be instructed, and he is hereby authorized to issue unto the surviving heirs of Charles G. Bryant, deceased, a further warrant for six hundred and forty acres of land of the public domain of the State of Texas, as a bounty of land for services rendered unto the Republic and State of Texas by the late Charles G. Bryant.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed October 24, 1871.

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The foregoing act, received in the office of Secretary of State October twenty-five, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, was returned by him to the House in which it originated with his objections thereto, passed both houses of the Legislature over his veto, two-thirds of the members thereof concurring therein, and has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER XXXVIII.

An Act for the Relief of the Heirs of Andrew Jackson Bryant, Deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of the State of Texas, be instructed and he is hereby authorized to issue unto the surviving heirs of Andrew Jackson Bryant, deceased, to-wit: Charles C. Bryant, Martin V. Bryant, Dewitt Clinton Bryant, Wolfred Nelson Bryant, Edwin Moore Bryant and Welthea E. Graham, a warrant for six hundred and forty acres of land out of the public domain of the State of Texas, in behalf of Andrew Jackson Bryant, and by reason of his coming within the operation of the law and laws defining the status of immigrants to and under the Republic of Texas, and his claim for a headright under the provisions of such laws.

Sec. 2. Be it further enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of the State of Texas, be instructed and is hereby authorized to issue unto the surviving heirs of Andrew Jackson Bryant, hereinbefore enumerated, a bounty warrant for six hundred and forty acres of land, out of the public domain of the State of Texas, as a bounty of land to and for the services of Andrew Jackson Bryant, deceased, rendered the Republic of Texas, in the navy of the same, in which service the said Andrew Jackson Bryant received severe wounds upon his person, and afterwards lost his life.

Sec. 3. And be it further enacted, That this act take effect and be in force from and after its passage.

Passed October 24, 1871.

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The foregoing act, received in office of Secretary of State, October the twenty-fifth, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, was returned by him to the House in which it originated, with his objections thereto, passed both houses of the Legislature, over his veto, two-thirds of the members thereof concurring therein, and has become a law without his approval.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER XXXIX.

An Act to Incorporate Scyene Masonic Male and Female Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That for the management and control of an institution of learning located at Scyene, Dallas county, and styled Scyene Masonic Male and Female Institute, J. R. Clements, E. E. Russell, H. C. Sweet, F. W. Humphries, M. J. McGee, and Steph. H. Miller, are hereby constituted a board of trustees, and that they and their successors in office are made a body corporate, capable in law of suing and being sued, and of holding or alienating property, real and personal.

Sec. 2. That said board of trustees shall have succession, shall have a common seal, may hold property to the amount of twenty thousand dollars, and may do all things necessary and incident to the maintenance and promotion of good morals and sound learning, not inconsistent with the Constitution and laws of the United States or of this State.

Sec. 3. That this act take effect from and after its passage.

Approved October 24, 1871.

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CHAPTER XL.

An Act to Incorporate the Texas Land and Immigration Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. B. Reynolds, Thomas Kearney, W. W. Phelps and Ira H. Evans, and their associates, be and they are hereby incorporated and declared to be a body corporate and politic, under the name of the Texas Land and Immigration Company, and under such name may transfer their rights by succession, and shall be persons in law capable of suing and being sued, impleading and being impleaded, and that they any their successors, by the same name and style, shall be in law capable of holding and conveying and estate, real, personal or mixed, and doing and performing all things necessary for the business of said company, and not contrary to the Constitution and laws of this State. Said company shall have a corporate seal, with such device as they may select.

Sec. 2. That the objects of said company are declared to be to promote immigration to Texas, to facilitate the sale and purchase and settlement of lands by immigration, and to introduce laborers, skilled operators and capital into the State.

Sec. 3. That the capital stock of said company shall be one million of dollars, divided into shares of one hundred dollars each, and the said company may commence operations with all the powers and penalties of this act whenever fifty thousand dollars of the capital stock shall have been subscribed.

Sec. 4. That the management of the affairs of said company shall be conducted by a board of directors and under such rules and regulations as the stockholders may determine at their first regular meeting; and the organization of said company and appointment of officers shall take place at such meeting.

Sec. 5. That the company may dissolve by a vote of two-thirds of the issued stock, in which event, after the payment of all outstanding obligations, the land and other possessions held by the company shall be sold at public auction, to be paid for in outstanding shares of the capital stock of the company, until all such outstanding shares shall have been redeemed, and if not sooner dissolved its rights and franchises shall expire by limitation in thirty (30) years.

Sec. 6. That a majority of the board of directors of said company shall have power to pass all necessary regulations, ordinances and by-laws for the regulation and government of said company in

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its business and contracts as are not in contravention of the Constitution and laws of this State.

Sec. 7. That this act shall take effect and be in force from and after its passage.

Approved October 24, 1871.

CHAPTER XLI.

An Act to Incorporate Victoria Fire Company No. 1.

Section 1. Be it enacted by the Legislature of the State of Texas, That John M. Brownson, N. A. Thomson, E. H. Gaylord, J. E. Moody, S. H. Barton, W. L. Wheeler, John Mahon, F. R. Pridham, and their associates and successors shall be and they are hereby constituted a body politic and corporate under the name and style of Victoria Fire Company No. 1, in the town of Victoria, county of Victoria, and State of Texas.

Sec. 2. That the said corporate company shall have power to sue and be sued, to appear and prosecute to final judgment in any court or elsewhere; to have and keep a common seal with such device as they may adopt; to receive hold and grant, as prescribed by law, real and personal property; that the real and personal property of said corporate company shall at no time exceed in value the sum of twenty-five ($25,000) thousand dollars; to enter into all contracts and perform all acts not in conflict with the Constitution and laws of the State of Texas.

Sec. 3. That said corporate company shall have power to establish and adopt laws, not inconsistent with the Constitution and laws of this State, for the government and regulation of their affairs; to alter, amend and repeal at pleasure any of said laws as shall best promote their good government; to prescribe rules and regulations for the election of officers and their respective duties; to inflict penalties on all those violating the laws and ordinances of said company, by fine, suspension or expulsion.

Sec. 4. That said company shall never exceed seventy-five (75) men, rank and file; and that the actual members of said company shall, after having served in said company for the term of twelve months, be exempt from service in the State militia except in time of actual insurrection, rebellion or war, and shall also be exempt from serving on juries, except in capital cases.

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Sec. 5. That the engine, machinery and all implements actually used for the extinguishing of fires, together with a building for housing the same, shall be exempt from all taxation, and that this act shall take effect from and after its passage.

Passed October 25, 1871.

The foregoing act, received in the office of Secretary of State November thirteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER XLII.

An Act to Incorporate the Star Mining and Transportation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. S. Youngjohn, J. P. Brooks, F. E. Grothaus, S. H. Flint, G. W. Levin, or any two of them, and such persons as they may hereafter associate with them, are hereby created a body corporate under the name of the "Star Mining and Transportation Company."

Sec. 2. That said company shall have the right to sue and be sued, plead and be impleaded in their corporate name; to contract for and purchase real estate or personal property, or any interest therein, and to hold and dispose of the same; to purchase and set up and operate all species of mining apparatus ordinarily used or to be used in the smelting and reducing of copper, iron and other ores, and generally, under said corporate name, to conduct a mining business in the State of Texas.

Sec. 3. That said company shall organize as soon as a capital stock of twenty-five thousand dollars shall have been subscribed and five per cent. thereon paid in, to the above named parties, who are authorized in their own names, or by duly authorized agents, under powers of attorney, to jointly open books of subscription for stock in said company, the stock to be in such form and for such amount

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per share, face value, as they may jointly determine to be most convenient. When the amount of twenty-five thousand dollars worth of stock shall have been taken and five per cent. of the amount paid in to the above named parties, they shall give five days' notice to all the stockholders of a time and place of meeting, to organize said company, and at such meeting said stockholders shall organize by the election of a president, vice president, treasurer and secretary, and such other officers as they may deem necessary. A majority vote of the stockholders shall be sufficient in any election at the first organization of said company; said stockholders to have one vote for each share of stock. They shall also have the right to pass all necessary by-laws for the government of the company. Said capital stock may be increased to any amount not exceeding ten million dollars.

Sec. 4. That the issue of stock and the organization of the company may be done and had at any point within the United States, and the directors of said company shall not necessarily be citizens of the State of Texas.

Sec. 5. That said company while operating any mine or mines, or preparatory thereto, shall have the right to locate and construct any railroad so as to connect said mine or mines, on the most desirable route, with any general railroad line, or any point for transportation or shipment of the product of their mines, which to them may seem advisable, and shall be the owner of such road or roads, and have and enjoy the same rights in the location, construction and operation of any such railroad or railroads as have been granted by the general laws of the State of Texas to any railroad company or to promote and aid the construction thereof; the object being to encourage and aid in the development of the mineral wealth of the State and means for the rapid and cheap transportation of the products of her mines to home or foreign markets.

Sec. 6. That this act shall take effect from and after its passage, and remain in force for ninety years.

Passed October 26, 1871.

The foregoing act, received in the office of Secretary of State November thirteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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CHAPTER XLIII.

An Act to Establish a Ferry across the Sabine River at Mann's Bluff in the County of Panola.

Section 1. Be it enacted by the Legislature of the State of Texas, That Drue Simmons be and he is hereby authorized to establish a ferry across the Sabine river at Mann's Bluff, in the county of Panola.

Sec. 2. That it shall be the duty of the said Drue Simmons to provide and keep in good repair all necessary and sufficient boats for the transportation across said river of all passengers, wagons, and other wheel carriages, horses, oxen and stock of every description, and that upon providing and keeping such boats in good repair, he shall have the right to use and enjoy said ferry at said place for and during the term of twenty years.

Sec. 3. That the said Drue Simmons shall have, for and during said term of twenty years, the right to charge the following rates of toll for crossing passengers, carriages, wagons or stock at said ferry, to-wit: For one man and horse, ten cents; for buggy or wagon and horse, twenty-five cents; for carriage or wagon and two horses, thirty-five cents; for four horses or oxen and wagon, fifty cents; for foot passengers, five cents each; and for live stock five cents per head, except sheep, goats and hogs, for which two cents per head; provided, that the said Drue Simmons may charge double these rates when the waters of the said river are overflowing its banks. No other person or persons shall have the right to establish or run a ferry within one and one-half miles of the ferry hereby incorporated for the term of twenty years from and after the passage of this act.

Sec. 4. That the said Drue Simmons shall enter into bond of one thousand dollars, with sufficient security, payable to the district clerk of Panola county, and to his successors in office, for all damages that may accrue from neglect of duty.

Sec. 5. That this act take effect from and after its passage.

Passed October 27, 1871.

The foregoing act, received in the office of Secretary of State November thirteenth, one thousand eight hundred and seenty-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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CHAPTER XLIV.

An Act to Incorporate the Mutual Aid Society of the City of Houston.

Section 1. Be it enacted by the Legislature of the State of Texas, That there may be created, and the same is hereby authorized to be created, a benevolent society in the city of Houston, for the purpose of aiding each other in distress, sickness or want, or in death, which society shall be a corporate body, and shall be known as the Mutual Aid Society of the city of Houston, which shall be able to sue and be sued, and have a common seal, which may be changed at pleasure, and shall be entitled to own, hold or lease property for the purposes of its organization, or to dispose of the same, and have all the powers ordinarily incident to corporations and bodies politic; and the following named persons, Elias Dibble, Richard Allen, George Sanders, Peter Noble, Jerry Smith, John Graham and J. J. Heller, are hereby named as commissioners, together with their associates and successors, to organize the said corporation, and are vested with full corporate power in the first instance.

Sec. 2. The said corporation shall be governed according to such rules and regulations as they may adopt, but which shall in no manner be in contravention of the laws of the land, and shall have such officers for such duties in such society as may be designated.

Sec. 3. A board of managers shall be organized, of as many persons as the commissioners and their associates may designate, who may enact by-laws, rules and regulations for the government of such society.

Sec. 4. The objects of said society shall be of a purely benevolent character, and all contributions shall be for charitable purposes only, after the acquisition of all necessary lands and buildings and paraphernalia.

Sec. 5. The board of managers shall be elected annually by the members of the society, after the first year, but the commissioners shall appoint the first board of managers.

Sec. 6. The board of managers shall appoint all the officers of the society, and may establish such degrees of membership as they may deem proper.

Sec. 7. The rates of dues of members shall be fixed by the members after organization, as well as the rates of initiation.

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Sec. 8. This society when organized shall have all the corporate powers contemplated by this act.

Sec. 9. This act shall take effect from and after its passage.

Approved October 28, 1871.

CHAPTER XLV.

An Act to Incorporate the Germania Club of Brenham.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. Witteborg, C. Schuetz, F. Gehrman, R. Hoffman, H. Levy, A. J. Koenig, L. Zeis, W. Zeiss, J. C. Neumann, Theo. Giesecke and J. H. Scheuck, and their associates and successors, be and they are hereby constituted a body politic and corporate, for the purpose of gymnastic exercises, social entertainments and pleasures, by the name of the Germania Club, and by that name may have succession, sue and be sued, prosecute and defend, in any of the courts of the State of Texas; may grant, purchase and receive real and personal property; provided, the amount of property held by said corporation shall at no time exceed fifty thousand dollars in value; and may have a common seal, to be altered or changed by the will of said corporation; may adopt such a constitution, by-laws and regulations for the management of said association as the members thereof may deem proper, not inconsistent with the laws of this State.

Sec. 2. That said association shall not be liable to pay any occupation tax (State, county or municipal,) upon their gymnastic exercises or social entertainments for pleasure.

Sec. 3. That said association shall be governed by a president, two vice-presidents, secretary and treasurer, elected by the members of said association.

Sec. 4. That this act take effect and be in force from and after its passage, and shall remain in force fifty years.

Approved October 28, 1871.

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CHAPTER XLVI.

An Act to incorporate the town of Lockhart, in Caldwell County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Lockhart, in Caldwell county, be and they are hereby declared a body politic and corporate, under the name and style of the corporation of the town of Lockhart, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real and personal; provided, such real property is situated within the limits of said corporation.

Sec. 2. That the limits of said corporation shall extend one mile in a square, so laid off as to leave the public square in the centre of said corporation.

Sec. 3. That it shall be the duty of the citizens of said corporation to elect a mayor, five aldermen and a constable, who shall also be, ex officio, assessor and collector of taxes; and a treasurer and secretary shall be elected by said mayor and aldermen. The treasurer, assessor and collector of taxes shall be required to give bond, with good security, to be approved by said mayor and board of aldermen, for the faithful performance of their duties, and to make reports when required by said board of officers; and the mayor shall have power, when necessary, to suppress riots and disturbances and to call out the citizens of said corporation for the purpose of restoring order.

Sec. 4. That the mayor, board of aldermen and constable shall, for the present time and until the next general election, be appointed as provided for in an act entitled "An act to authorize the Governor to appoint certain officers to fill vacancies;" and upon the expiration of their term of office there shall be an election held, under the direction of the mayor, who shall give at least ten days' notice of such election before his term of office shall expire; and said election for the officers as aforesaid shall be held every two years thereafter; and all male inhabitants who have resided within its limits for the term of four months preceding, and who are qualified voters under the Constitution and laws of this State, shall be deemed qualified electors of said corporation.

Sec. 5. That the mayor and board of aldermen of said corporation shall have power to pass such rules, regulations and ordinances as may be necessary for the regulation of the police and the

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preservation of good order within the corporation limits; for the levying of taxes; for the removal of nuisances and keeping the streets in good order; for building a market house; for improving and ornamenting public property within said corporation limits, and for any and all other purposes tending to promote good order and government; and they shall have power to prescribe and enforce the collection of tax penalties for the violation of the ordinances of the corporation; provided, no tax shall ever be levied exceeding one-half of the State tax allowed by law; and provided, further, that they shall in no case prescribe penalties to exceed one hundred dollars, or imprisonment for more than one week.

Sec. 6. That the mayor, with a majority of the board of aldermen, shall constitute a quorum for the transaction of business, and in the absence of the mayor, the board of aldermen shall elect one of their number mayor pro tempore.

Sec. 7. That this act take effect and be in force from and after its passage, and that all acts and parts of acts in conflict herewith are hereby repealed.

Approved October 28, 1871.

CHAPTER XLVII.

An Act to incorporate the Jefferson Steam Fire Company Number One, of the City of Jefferson.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. E. Cortes, G. Briant, James Hogan, E. Marx, C. Campbell, L. S. Schueter, W. P. Williams, P. M. Graham, F. Stuts, W. H. Johnson and Henry Benners, of the city of Jefferson and county of Marion, and their associates and successors, shall be, and they are hereby constituted a body, politic and corporate, as a steam fire company for the city of Jefferson, under the name of "Jefferson Steam Fire Company No. 1." with power to sue and be sued, plead and be impleaded, to appear and prosecute to final judgment in any court, or elsewhere: to have a common seal with such device as they may adopt; to elect in whatever manner they may choose, the officers necessary to command them; to establish by-laws for the government and regulation of their officers, not inconsistent with the Constitution and laws of this State, and the same to alter and amend at pleasure; and to hold real and per-

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sonal property, and to dispose of the same; provided, however, such real estate and personal property shall, at no time exceed the sum of twenty-five thousand dollars in value, and that the number of said company shall never exceed forty members, rank and file.

Sec. 2. The actual and active members of said company shall be exempt from serving on juries, except in capital cases.

Sec. 3. That said company shall have power by their constitution and by-laws to try all violators of their own ordinances agreed upon by a majority of the members of said company; to suspend, expel or fine, not exceeding ten dollars those violating the constitution and laws of said company.

Sec. 4. That this act of incorporation shall be and continue in force for and during the term of thirty-nine years from and after its passage.

Passed October 30, 1871.

The foregoing act, received in the office of Secretary of State November thirteen, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER XLVIII.

An Act to incorporate the Richmond Relief Dramatic Club of Richmond, Fort Bend county.

Section 1. Be it enacted by the Legislature of the State of Texas That W. H. Albertson, S. D. Calder, W. L. Davidson, Gustave Cook, Geo. A. Ferries, and their associates and successors, be and they are hereby created a body corporate and politic under capacity in said corporate name to make contracts, to purchase and hold property, real and personal, to have successors, to make by-laws for its government and the regulation of its affairs, to sue and be sued, to plead and be impleaded, and generally to do and perform all such acts and things that may be necessary to the fulfillment of

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its obligations or the maintenance of its rights under this act, and consistent with the Constitution of the State.

Sec. 2. That the said Relief Dramatic Club may give theatrical exhibitions, and charge for admission thereto a sum not exceeding one dollar.

Sec. 3. That the net proceeds from the said exhibition shall be applied to charitable purposes.

Sec. 4. That said Dramatic Club shall not be required to pay any State or county tax on its exhibitions.

Sec. 5. That this act be in force from the passage hereof.

Passed October 30, 1871.

The foregoing act, received in the office of Secretary of State November twenty, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER XLIX.

An Act granting to B. F. Colbert the privilege of constructing a Ferry across Red River.

Section 1. Be it enacted by the Legislature of the State of Texas, That the privilege is hereby granted B. F. Colbert, his heirs and assigns, and he or they are hereby authorized to construct a ferry across Red River, at a point known as Colbert's ferry, in the county of Grayson, in this State, and that the privilege hereby granted shall extend and inure to the said B. F. Colbert, his heirs or assigns, for and during the space of twenty-five years, from the passage of this act.

Sec. 2. That the said B. F. Colbert his heirs or assigns, shall be bound during the term aforesaid, to keep in good order a boat or flat sufficient at all times to transport and ferry across said Red River all wagons, horses, cattle, persons and property, with safety and convenience, and to keep and maintain the bank on the Texas side of said river, to low water mark, so as to insure the safe em-

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barkation of all persons and property ferried across said river at said ferry.

Sec. 3. That the County Court of Grayson county shall appoint two commissioners, on the application of said proprietor of the said ferry, citizens of said county, whose duty it shall be to examine and approve said ferry and report the same, when completed, to said court at a regular meeting thereof, the expense of said commission to be paid by B. F. Colbert.

Sec. 4. That whenever said ferry shall have been examined and reported in good order and repair, by the commissioners appointed for that purpose, in the manner prescribed by law the proprietor may demand and receive from each and every person passing over said ferry the following rates of toll: For each six horse or ox team with wagon, one dollar; for each four horse or ox team with wagon, one dollar; for each three horse team with wagon, seventy-five cents; for each two horse buggy or other vehicle, fifty cents; for each one horse buggy or other vehicle forty cents; for each man and horse, fifteen cents; for each footman, five cents; for horses, cattle and mules, per head, two cents; for sheep or hogs, per head, one cent.

Sec. 5. That the said B. F. Colbert, his heirs or assigns, shall annually execute and deliver to the clerk of the district court of Grayson county a bond in the same manner as required of persons licensed to keep a public ferry by the said court; and such proceedings may be had on any bond so given by the said B. F. Colbert, his heirs or assigns, as on bonds required by law to be given by ferrymen generally.

Sec. 6. It shall not be lawful for any person to erect any toll bridge or establish a ferry, within three miles of the location of this ferry, during the period of time allotted to the said Colbert, his heirs or assigns.

Sec. 7. That the said B. F. Colbert, his heirs or assigns, shall have the privilege of the south bank of Red River, where his ferry is now situated, for a ferry landing, for the term of twenty-five years from the granting of this charter.

Sec. 8. That any act coming in conflict with this act is hereby repealed.

Sec. 9. That this act shall take effect and be in force from and after its passage.

Passed October 31, 1871.

The foregoing act, received in the office of Secretary of State November twenty, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and

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not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER L.

An Act to repeal An Act, approved August 10, 1870, entitled An Act to amend An Act to incorporate Herman's University, approved January 27, 1844, as amended by An Act passed April 11, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above entitled act, approved August 10, 1870, be and the same is hereby repealed.

Sec. 11. That this act take effect and be in force from and after its passage.

Approved November 1, 1871.

CHAPTER LI.

An Act for the relief of R. S. Brame.

Whereas, The sum of seventeen hundred and seven dollars and fifty cents, State tax, collected by R. S. Brame, Assessor and Collector for Lamar county, in the year A. D. 1866, was, on the night of December 25, 1866, stolen from the safe of Wright & Gibbons, in the city of Paris, Texas; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That said R. S. Brame and the sureties on his bond, be and they are hereby released from all liability to the State on account of the loss of the aforesaid sum of money.

Sec. 2. This act shall take effect and be in force from its passage.

Passed November 1, 1871.

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The foregoing act received in the office of Secretary of State November twenty-two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LII.

An Act to incorporate the Richmond Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Charles E. Bateman, Thomas Sheriff, Richard Allen, John Mackley, Fred Webber, John C. Mitchell, and such other persons as they may associate with them, and their successors in office, be and they are hereby created a body corporate under the name and style of the Richmond Bridge Company, and as such may sue and be sued, plead and be impleaded, contract and be contracted with, have and use a common seal, and generally to do and perform all acts necessary to carry out the objects of this charter not inconsistent with the Constitution and laws of this State and of the United States. The said company may hold and own such property, both real and personal, as it may deem necessary, not to exceed two hundred thousand dollars in value.

Sec. 2. That it shall be the duty of said company to build a good, safe and substantial bridge across the Brazos river from a point at or near the town of Richmond, in Fort Bend county, to the east bank of said Brazos river, said bridge to be commenced within three years from and after the passage of this act.

Sec. 3. That when said bridge shall be completed, the said company are authorized to demand and receive from each and every person crossing said bridge or crossing their property over the same, after its completion, a toll not to exceed the following rates, to-wit: For each wagon, cart, carriage, or other vehicle drawn by more than two horses or other animals, twenty cents per wheel and five cents for each animal by which the same is drawn; and when the same is drawn by two animals or less, ten cents per wheel and five cents for each animal by which the same is drawn; for each animal and rider,

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ten cents; for each loose animal of the cattle kind, five cents; for each loose horse, mule, jack or jennet, five cents; for each foot passenger, five cents; for each sheep, hog or goat, three cents.

Sec. 4. That no person shall be authorized or allowed to erect any bridge except such as are to be used by railroads, or keep any public ferry across said Brazos river at or within five miles of the said company's bridge, after the said bridge herein authorized is completed; provided, that in case said bridge should get out of repair, said company may keep a ferry boat until the said bridge is put in repair.

Sec. 5. That this charter of incorporation continue and remain in force twenty-five years.

Passed November 1, 1871.

The foregoing act, received in the office of Secretary of State, November twenty, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LIII.

An Act to authorize James R. Harrington to erect a Toll Bridge over White Rock Creek, in Hill County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That James R. Harrington be and he is hereby authorized and empowered to erect a toll bridge over White Rock creek, in the county of Hill, where the public road leading from Waco to Dallas, and also the public road leading from Hillsboro to Corsicana, crosses said creek, and that he is authorized and empowered to charge, receive and collect toll for crossing said bridge at the rates allowed by the Police Court of Hill county.

Sec. 2. That the rights and privileges herein granted shall inure to the benefit of said Harrington, his heirs and assigns for the period of twenty-five years; provided, however, that in order to secure the privileges conferred by this act, he shall by the first

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day of January, 1872, erect and construct a good, safe and substantial bridge over said creek at the place designated in section one of this act, and shall keep the same in good repair; and in the event of any accident or casualty destroying said bridge, the said Harrington shall reconstruct the same within twelve months from the date of such accident or casualty; otherwise the franchise herein granted shall abate.

Sec. 3. That no bridge shall be permitted or allowed to collect toll within two miles above or below bridge.

Sec. 4. That this act take effect and be in force from and after its passage.

Passed November 2, 1871.

The foregoing act, received in the office of Secretary of State November twenty, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LIV.

An Act supplemental to An Act entitled An Act to Amend An Act entitled An Act to incorporate the Bank of Cleburne, approved September 30, 1871.

Section 1. Be it enacted by the Legislature of the State of of Texas, That the name of the bank mentioned in said amendatory act, shall be changed from that of the Savings Bank of Cleburne, and that said institution shall hereafter be known and called by the name of the Savings Bank of Austin, and that the principal office of said corporation shall hereafter be located in the city of Austin, county of Travis, State of Texas.

Sec. 2. That this act shall be in force and take effect from and after its passage.

Approved November 4, 1871.

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CHAPTER LV.

An Act to amend the third section of An Act to incorporate the Carthage Branch Railway Company, approved May 22, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the above recited act be so amended as hereafter to read as follows: "Section 3. That said company shall have the right to construct, own and operate a first class railroad of whatever gauge they may see proper, either from Waskom's Station, in Harrison county, or from the city of Marshall, in Harrison county, as said company may elect; thence by the nearest practicable route to the town of Carthage in Panola county. That said company shall have the right to connect their road with the Southern Pacific Railroad, and to connect with or cross any intervening railroad chartered by this State."

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 6, 1871.

CHAPTER LVI.

An Act to incorporate the Buffalo Warehouse and Compress Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there may be established in the city of Houston a company which shall be styled, named and known as the Buffalo Warehouse and Compress Company, and the stockholders therein and their successors shall have succession, and by that name may make contracts, acquire, hold, grant and convey personal property and real estate, sue and be sued, make, have and use a common seal, and generally to do any act which may promote the interest of the company in its business, or facilitate in carrying into effect the objects of the corporation, not inconsistent with the laws and Constitution of this State.

Sec. 2. That said company shall have the right to own, build,

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erect and maintain, at such eligible location in the city of Houston, or within five miles thereof, as may be selected by the directors, the necessary warehouses, compresses, buildings and structures, as may be necessary or convenient for the purposes of the company; to receive, store, repair, re-bale and compress cotton; to warehouse all manner of merchandise and produce that may be offered, and to make, fix, demand and receive uniform rates of charges.

Sec. 3. That the capital stock of said company may be fixed at any amount not to exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and each share shall entitle the holder thereof to one vote in all meetings of the stockholders, either in person or by proxy; said shares shall be held and deemed personal property, and may be assignable on the books of the company, under such rules and regulations as may be prescribed by the by-laws of the company. No stockholder shall be liable for the debts of said company beyond the amount that may be due and unpaid upon the stock.

Sec. 4. That the stockholders at any meeting called for that purpose of which five days' notice shall have been previously given in some newspaper published in the city of Houston, may make by-laws prescribing, first, the number of directors and other officers and agents, their duties and terms of office, and may delegate to such directors, officers and agents such general and special powers as may be deemed advisable; second, the amount that shall be paid in by the subscribers at the time of subscription as an assessment upon the capital stock, and provide for future calls and assessments; third, the manner in which vacancies shall be filled, the number of directors that shall constitute a quorum for the transaction of business, and the manner in which the certificates of stock shall be assigned on the books of the company; fourth, how, when and in what manner the stock of delinquent subscribers to the capital stock may be forfeited and sold upon non-payment of calls and assessments; fifth, the times for holding elections for officers; sixth, and all other needful rules and regulations, concerning the business of said company, as may be necessary and proper, to give full force, effect and operation to the charter, not inconsistent with the provisions thereof and the laws of the State; and the by laws may be changed, from time to time, as may be therein prescribed; and in all meetings of the stockholders the majority of stock voted shall control and govern.

Sec. 5. That the books of subscription to the capital stock may be opened in the city of Houston under the direction and supervision of Wm. Christian, John Shearn, C. Ennis, W. J. Hutchins, T. W. House, W. Alexander, H. R. Percy, A. Groesbeck, F. A. Rice,

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W. R. Baker and J. E. Whittlesey, and the said company may be organized whenever stock to the amount of thirty thousand dollars shall be subscribed for.

Sec. 6. That this act be in force for the term of twenty-five years from and after its passage.

Approved November 6, 1871.

CHAPTER LVII.

An Act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. M. Mathis, G. W. Fulton, John W. Baylor, Richard King, Thos. O'Conner, J. H. Wood, Thos. M. Coleman, J. M. Doughty, Wm. S. Hall, T. M. Dennis, John Hynes, Owen Gaffney, and their associates and successors be and they are hereby created a body corporate and politic by the name and style of the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, and under such name and style shall have succession for the term of ninety-nine years, with power to elect officers, enact by-laws, adopt a common seal, own property, either personal, real or mixed, and to dispose of the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded, and may do and perform all acts, and shall have all the rights, privileges and immunities incident or pertaining by law to similar corporations.

Sec. 2. The object of this company shall be to establish, construct, complete, maintain and operate a first class railroad from and beginning at or near Rockport and Fulton on Aransas Bay to Laredo on the Rio Grande, or to some more convenient point upon said river, with the ultimate view of connecting with a railroad within the Republic of Mexico, from some point upon the Gulf of California. And the company are hereby given, granted and endowed with all the general and special powers necessary to enable them to carry out and fully consummate said object; purchase lands accept donations or grants of land, or any other property; and J. M. Doughty shall be and he is hereby authorized to act as Commissioner of organization to negotiate with capitalists for means to be used in aid of the construction of said road, subject to the ratification of

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a majority of the corporators herein named when the organization of the company shall have been completed.

Sec. 3. The persons named in section one of this act constitute a board of directors, a majority of whom shall meet in the town of Rockport, Texas, within ninety days after the passage of this act, and organize said company by electing a president, vice-president, secretary and treasurer, adopt a code of by-laws for their government under this charter, and may provide for the opening of books to receive subscriptions to the capital stock of the company.

Sec. 4. The capital stock of said company shall be subscribed and held in shares of one hundred dollars each, to be held and regarded as personal property, and each share shall entitle the holder, in person or by authorized proxy, to one vote in all the elections of the company; the stock to be paid in accordance with the provisions of the by-laws of the company or be subject to sale or forfeiture, and shall be transferable. The capital stock shall amount to five millions of dollars, and may be increased to fifteen millions if required, and the company may establish offices and agencies out of the State for the purpose of securing subscriptions to said stock and to facilitate the transfer or negotiation of the same, and for the general objects of the company.

Sec. 5. When four hundred thousand dollars of stock shall have been subscribed or secured to the satisfaction of the directors, and five per cent. thereof paid, the president of the company shall, by thirty days' notice cause the stockholders to meet in the town of Rockport aforesaid, and elect from their number a board of directors of not less than nine individuals, five of whom shall constitute a quorum to do business, who shall hold their offices for a term of one year, or until their successors are elected and duly qualified; and the said directors shall elect from their number a president, vice president, secretary and treasurer, and thereafter regular elections for directors and officers shall be held annually on the first Wednesday in May.

Sec. 6. The company may receive as subscription to their stock, or as donations, or may purchase any lands in the State, and may hold, use, or in any way hypothecate the same so as to make them available as a basis of credit, or otherwise, for raising means to perfect the objects of the company.

Sec. 7. The right of way is hereby granted to the company through all of the public domain through which the line of said road may be located, to the extent of one hundred feet on each side of the road line, and also to a sufficient extent beyond the one hundred feet for all necessary turnouts, stations, switches, turn-tables, machine shops, water tanks or other construction appurtenances.

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The company are also authorized to use any earth, stone, gravel or timber therefrom within five miles of said road necessary for the construction and maintenance of said road; said company shall acquire its right of way through lands patented or lands owned by private parties, in accordance with the provisions of the general railroad law of the State governing such matters.

Sec. 8. The company may form connection or consolidation with the Corpus Christi road, or any other road or company, with the consent of the several companies interested; may cross any other roads or thoroughfares, and bridge any streams necessary to facilitate the construction of said road.

Sec. 9. The company may adopt such gauge and plan of road as they may find most conducive to their interests, or most suitable to the necessities and wants of the country, and may alter or change the same at pleasure.

Sec. 10. The company shall have the power to borrow money, issue bonds or other bills of credit, with or without mortgage; and generally this company shall have all power requisite to carry into successful effect all the objects of the company.

Sec. 11. The company may establish its principal business office at either terminus, or any other point on the road that may be determined by the directors, and all meetings of stockholders and elections of officers shall be held at the same.

Sec. 12. The company shall have power to charge and collect such rates of freight and passage as may by them be deemed just and proper, not to exceed rates established by law.

Sec. 13. The company shall complete and put in thorough running order within two years from the organization of the company under this charter, a section of at least ten miles; and within five years from said organization shall have a further section of one hundred miles completed, as afore-aid; and the remainder of said road shall be completed within two years thereafter; provided, that a consolidation or connection with any other road shall be deemed a compliance with the terms of this charter, and the company shall not then be required to construct their road farther.

Sec. 14. Further, that this company shall have the right to locate, construct, maintain and operate a telegraph line along the line of said road, if deemed by the company necessary to the furtherance of their interests, subject to any general law of the State or of the United States governing telegraph lines.

Sec. 15. That this act take effect and be in force from and after its passage.

Approved November 11, 1871.

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CHAPTER LVIII.

An Act to Authorize Sim Davis, his Associates and Successors, to Construct Own, and Keep a Toll Bridge on Sulphur Fork of Red River.

Section 1. Be it enacted by the Legislature of the State of Texas, That Sim Davis, and such other persons as he may associate with him, and their successors, be and they are hereby authorized to construct, own and keep a toll bridge across Sulphur Fork of Red River, at the crossing known as Culp's crossing on said stream, between the counties of Titus and Red River.

Sec. 2. Be it further enacted, That said Sam Davis and his associates shall, within two years from and after the passage of this act, construct a good and substantial bridge across said stream at said crossing, and shall be required to keep said bridge in good, safe condition for crossing wagons, stock and persons, under penalty of forfeiture of all rights conferred by this act; provided, that should high water prevent or hinder the work, then, upon satisfactory proof of the fact, the County Court of Titus county shall be empowered to extend the time within which said Sim Davis and associates are, by the provisions of this act, required to complete said work for such time as they may have been delayed.

Sec. 3. That said Sim Davis and associates are authorized to contract for and aquire the right of way and such material as may be necessary for the construction of said bridge in accordance with the laws of the State of Texas. And when said bridge is completed and in good condition for crossing, said Davis and associates shall have the right to demand, receive and collect the following rates of toll, viz: For each wagon with six horses or oxen, one dollar ($1 00); for each wagon or other vehicle drawn by four horses or oxen, seventy-five cents (75 cts.); for each wagon or other vehicle drawn by two horses or oxen, fifty cents (50 cts.); for each wagon or other vehicle drawn by one horse or ox, twenty-five cents (25 cts.); for each person on horseback, ten cents (10 cts.); for each footman, five cents (5 cts.); for each loose horse and head of cattle, five cents (5 cts.); for each head of hogs or sheep, three cents (3 cts.)

Sec. 4. That this act take effect and be in force twenty-five years from and after its passage.

Passed November 11, 1871.

The foregoing act, received in the office of Secretary of State

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November twenty-two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LIX.

An Act to Incorporate the M'Kinney Academy Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. D. Newsome, J. F. Graves, Thos. Bradley, James H. Jenkins, Thos. J. Brown, Jordan O. Stroughn, and their associates, be and they are hereby constituted a body corporate and politic, under the name and style of the McKinney Academy Association, and by that name may sue and be sued; may plead and be impleaded; may contract and may hold property, real, personal and mixed, not to exceed in value fifty thousand dollars; may sell, encumber, or in any wise alienate the same; may have a common seal; may enact such rules and regulations for their government, for the promotion of education, not inconsistent with the laws of the State, as they may deem best; and may acquire property by purchase or gift, and dispose of the same.

Sec. 2. That the officers elected by said association may continue in office, or their places be filled when vacancies occur, as provided by the by-laws heretofore adopted by said association.

Sec. 3. That said association, as a body corporate and politic, may have succession for thirty years.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved November 13, 1871.

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CHAPTER LX.

An Act to Incorporate the Philosophronian Society of Trinity University.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. S. Abernathy, C. M. Bell, J. H. Bridges, B. T. Barry, J. S. Groves, J. L. Hardin, E. C. Hudson, J. J. Hodges, J. H. Campbell, M. Keossee, A. A. Lewis, J. L. Modrall, J. M. McReynolds, J. B. Sparks, R. O. Watkins, W. A. Watkins, V. W. Grubbs, W. L. Pulley, H. B. Milner, and their present and future associates, and successors, be and they are hereby incorporated and created a body politic and corporate, by the name and style of the Philosophronian Society of Trinity University, for the purpose of mutual improvement in the arts and sciences, and for the encouragement of scientific and literary pursuits; and by said corporate name shall have succession, with full power and capacity to sue and be sued; defend and be defended; plead and be impleaded, in any of the courts of this State; and shall be capable of acquiring by gift, grant, purchase or descent, title to property of any kind, whether real, personal or mixed, and may hold, improve, or alienate the same for the use of said society; may have a common seal, with such device as they may adopt; may form a constitution and establish by-laws, and may change or alter the same as they may deem necessary for for their own government, not contrary to the laws of the State; may make contracts, and may do and perform all other acts incident or appertaining to the powers herein granted.

Sec. 2. That in all suits or proceedings against said society, the service of process or of notice may be made by leaving a certified copy thereof with one of the principal officers of said society. All contracts or other obligations, made and entered into by said society, shall be attested by the officer or officers authorized by the by-laws of said society to contract for the same, together with the seal of said society.

Sec. 3. That this act take effect and be in force from and after its passage, for and during the period of twenty-five years.

Approved November 13, 1871.

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CHAPTER LXI.

An Act to Authorize S. A. Cook, his Associates and Successors to Construct Over and Keep a Toll Bridge on Mineral Bayou, in Grayson County.

Section 1. Be it enacted by the Legislature of the State of Texas That S. A. Cook, and such other persons as he may associate with him, and their successors, be and they are hereby authorized to construct, own and keep a toll bridge across Mineral bayou, about four or five miles above its mouth, in Grayson county, to be known as Cook's bridge.

Sec. 2. Be it further enacted, That said S. A. Cook, and his associates, shall within one year from and after the passage of this act, construct a good and substantial bridge across said bayou, about four or five miles above its mouth, and on the road from Preston to Gainesville, and shall be required to keep said bridge in good order under the penalty of forfeiture of all rights conferred by this act.

Sec. 3. Be it further enacted, That said S. A. Cook, his associates and successors, when said bridge is completed, shall notify the County Court of Grayson county of such fact, and it shall be the duty of said court to appoint three commissioners, whose duty it shall be to visit and inspect said bridge, and to certify, under oath, to said court, at its next term, the condition and character of said bridge, and whether the same is substantial and safe for public use; and upon a favorable certificate, under oath, of said commissioners, the County Court shall require a bond in the sum of one thousand dollars, conditioned that the said S. A. Cook and associates sahll be liable in damages for all injuries caused by neglect of keeping in good repair said bridge; said bond to be given and signed by said S. A. Cook and associates and successors, with two or more sureties, to be approved by the County Court.

Sec. 4. Be it further enacted, That said S. A. Cook and associates, and their successors, when said bridge is completed and received, and the bond is approved, shall have the right to demand, receive and collect the following rates of toll, viz: For each wagon with six horses or oxen, seventy-five cents (75 cts); for each wagon or vehicle drawn by four horses or oxen, fifty cents (50 cts); for each wagon or other vehicle drawn by two horses or oxen, thirty cents (30 cts); and for each carriage or buggy, twenty-five cents (25 cts); for each person on horseback, ten cents (10 cts); for each footman, five cents (5 cts); for each horse or head of

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cattle, five cents (5 cts); for each head of hogs or sheep, three cents (3 cts); said tolls shall be collected in the vicinity of said bridge; and no person shall have the right to erect a toll bridge or ferry within two miles above or below.

Sec. 5. Be it further enacted, That this act shall take effect and be in force from and after its passage, and remain in force for the term of twenty years.

Passed November 14, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LXII.

An Act to Establish a Ferry Across the Neches River, at the Bodenhamer Crossing, County of Houston.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. W. Bodenhamer and W. W. Bodenhamer be and they are hereby authorized to establish a ferry across the Neches river, at the Bodenhamer crossing, Houston county, and no other person or persons shall have the right to establish or maintain a ferry or toll bridge within two miles above and below said crossing, for the period of twenty years.

Sec. 2. That it shall be the duty of the said J. W. Bodenhamer and W. W. Bodenhamer to procure and keep in good repair all necessary and sufficient boats for the transportation across said river of all pasengers, wagons and other wheeled carriages, horses, oxen and stock of every description; and that upon the providing and keeping such boats in good order and repair, they shall have the right to use and enjoy said ferry, within the limits aforesaid, for and during the term of twenty years.

Sec. 3. That the said J. W. Bodenhamer and W. W. Bodenhamer shall have, for and during said term of twenty years, the

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right to charge the following rates of toll for crossing, passengers, carriages, wagons or stock, at said ferry, viz.: For one man and horse, ten cents; for buggy or wagon and one horse, twenty-five cents; for carriage or wagon and two horses, thirty-five cents; for four horses or oxen and wagon, fifty cents; for footman, five cents each; and for live stock, five cents per head; provided, that the said J. W. Bodenhamer and W. W. Bodenhamer may charge double these rates when the waters of the said river are overflowing its banks.

Sec. 4. That the said J. W. Bodenhamer and W. W. Bodenhamer shall enter into bond of one thousand dollars, with sufficient security, payable to the district clerk of Houston county or to his successors in office, for all damages that may accrue from neglect of duty.

Sec. 5. That this act take effect from and after its passage.

Passed November 14, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LXIII.

An Act for the Relief of the Heirs of Christopher C. Williams, Deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That bounty certificate No. 9736, for three hundred and twenty acres of land, issued by B. F. Archer, Secretary of War, to Christopher C. Williams, on the fourteenth day of January, 1841, is hereby validated, and the Commissioner of the General Land Office is hereby authorized and required to issue patent upon the same.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed November 14, 1871.

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The foregoing act, received in the office of Secretary of State November twenty-three, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LXIV.

An Act to Incorporate the Lake City Cotton and Wool Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there may be and is hereby established, at the place known as Lake City, about four miles west of the city of Jefferson, Marion county, in this State, a company for the purpose of manufacturing cotton and wool which company shall be called and known by the name of the Lake City Cotton and Wool Manufacturing Company, and the stockholders and their successors shall have succession, and by that name shall be capable of making contracts, of suing and being sued in all the courts of this State; of purchasing, holding and conveying property of all descriptions, not to exceed in value fifty thousand dollars at any one time; to make, have and use a common seal, and the same to alter and renew at pleasure, and generally, to do any act necessary to carry into effect the objects of the corporation not inconsistent with the laws and the Constitution of this State or the United States.

Sec. 2. That the capital stock of this company shall be fifty thousand dollars, to be divided into one hundred shares of five hundred dollars each, to be paid in the following manner: two hundred and fifty dollars on each share at the time of subscription, and the residue at such time as the president and directors may direct, which said capital stock may hereafter be increased to one hundred thousand dollars, by the president and directors of the corporation, whenever a majority of the stockholders shall, by vote, so direct; the said stock shall be held as personal property, and if any stockholder shall neglect or refuse to make the payments as required, his stock may be sold by order of the president and directors, in such manner as

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may be provided in the by-laws of the company, and such stockholder shall be liable for the balance due by him as stockholder in the corporation as it becomes due, and may be sued for the same in any court of Marion county having jurisdiction of the amount.

Sec. 3. When the said sum of fifty thousand dollars shall be subscribed for, the stockholders shall, as soon thereafter as may be, call a meeting, and said stockholders shall proceed to the election of not less than three nor more than seven directors, as may be determined by them, and said directors shall elect one of their number president, and said president and directors elected in pursuance of this act shall have full power and authority to make, appoint and remove at pleasure, all officers and agents of said corporation; to fix their compensation, prescribe their duties, and generally, to manage the affairs of the corporation; they shall also have power to fill any vacancy which may occur in their body, and also, to appoint a president pro tempore when the president may be absent from their meetings, and if the president or any director be absent, without leave, from three consecutive regular meetings of the board, a majority of the same may declare his place vacant, and proceed to fill it without notice to such absent president or director. Books of subscription shall be opened under the superintendence of John V. Ford, John H. Scott, M. B. Nash, L. H. Norwood, A. J. B. Garrett and R. H. Scott, or any two of them, and shall be kept open until said sum of fifty thousand dollars shall be subscribed for.

Sec. 4. That the directors of the corporation shall call an annual meeting of the stockholders, to make such election for directors, who, when so elected, shall hold their offices for the term of twelve months, or until their successors are elected; and in all meetings of the stockholders those holding a majority of the stock shall constitute a quorum, and each stockholder shall be allowed one vote for each share he holds, and the stock may be represented in person or by proxy, to be appointed in writing signed by the absent stockholder; provided, that no stockholder who has failed to pay any instalment on the stock which has been called for shall be permitted to vote at any meeting of the stockholders.

Sec. 5. The president and directors of the company shall annually divide to the stockholders thereof so much of the profits of the business of the company as in their discretion they shall deem proper and safe, which dividend, when declared, shall, in the discretion of the president and directors, be indorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full, or may, in their discretion, be paid to the party so entitled; but no dividend of any of the profits of the company shall be made at any time, unless the capital paid in remain unimpaired.

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Sec. 6. That any increase in the capital stock of the company, beyond said amount of fifty thousand dollars, not to exceed one hundred thousand dollars, shall be by resolution of the stockholders, at their regular annual meeting. Said increased stock shall be divided into the same number and amount of shares, subscribed for and paid in the same manner as directed in the second section of this act; and the subscribers and stockholders shall be subject to the same duties and responsibilities in the same manner, and entitled to the same rights and privileges as in said section and other sections of this act are provided.

Sec. 7. That the president and directors of said corporation shall have power to fix the places and modes of transfer of certificates of stock, as well as the payment of interest and dividends. That a majority of the board of directors shall constitute a quorum for the transaction of business, and that said board of directors shall also have power to pass such by-laws as may be necessary to carry this act into effect, to delegate authority to such officer or person as they may deem proper, and to execute or authorize the execution of such bargains and contracts as may seem to them best for the interest of the corporation.

Sec. 8. That the said corporation shall be responsible to the extent of its property, and the stockholders to the extent of their respective stock not paid up. The officers of the company shall, during the month of January in each year, cause a full and accurate statement of the affairs of the company to be made out, which statement shall be signed by the president of the company, and recorded in its books.

Sec. 9. That this charter, and all the privileges and powers herein granted, shall continue in force and effect for the full term of twenty years from the passage of this act; and that the property, funds and business transactions of the corporation shall be subject to the same rates of taxation by law imposed on the property of individuals.

Sec. 10. That this act be in force from and after its passage.

Approved November 16, 1871.

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CHAPTER LXV.

An Act to Incorporate the Benevolent Association of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That Julius Schutze, president; F. Bastian, C. Domschke, J. Quast, F. Settegast, F. Petitpierre and C. Wellmer as trustees, and their successors, be and they are hereby constituted a board of directors of the Benevolent Association established in the city of Austin, by which name it shall have succession and be capable of suing and being sued, of defending and being defended in any of the courts of this State, to acquire and hold estate, real, personal and mixed, to encumber, sell or otherwise alienate the same as said company may deem expedient.

Sec. 2. The object of this association is to provide for its members in case of sickness, medical attendance and medicines free of cost; to provide for the burial of a member or members in case of death, and to provide for the support of widows and orphans of deceased members of said association.

Sec. 3. The said corporation shall have power to enact such by-laws, rules and regulations for its government, and generally to do any and all things that may seem proper to its members for the promotion and interest of the association, not repugnant to the Constitution and laws of the State of Texas and the United States.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved November 16, 1871.

CHAPTER LXVI.

An Act to Incorporate the Island City Gas Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. W. Mather, Nathan Patten and F. C. Moseback, their associates and successors, be and are hereby constituted and declared to be a body politic and corporate under the name and style of the Island City Gas Company, with capacity to make contracts; to have succession and a common seal; to make by-laws for its gov-

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ernment, and in its corporate name to sue and be sued; to grant and receive, and generally to do and perform such acts and things as may be necessary and proper for, or incident to, the fulfillment of its objects or maintenance of its rights under this act and consistent with the provisions of the State Constitution.

Sec. 2. That the said company be and hereby is established with the right of erecting, owning and maintaining works for the generation of gas on Galveston Island, and laying down in the streets, lanes and alleys, and other public grounds, within the city of Galveston and the suburbs thereof, pipes for the conveyance of gas in and through said city and its suburbs.

Sec. 3. That the capital stock of said company shall be divided into shares of fifty dollars each, and the holders of such shares shall constitute said company, and each member shall be entitled to one vote in person, or by proxy, for each and every share he, she or they, may own; and such shares of stock shall be transferable alone upon the books of the company.

Sec. 4. That the affairs and business of said company shall be conducted and managed by a board of directors, not less than three nor more than seven, who shall be elected by the company at such time as the stockholders may appoint, and annually thereafter; provided, that in case of failure to elect at the stated time, the board of directors incumbent shall continue in office until there be an election, the time for which may be fixed by said board, whereof reasonable notice shall be given.

Sec. 5. That no person shall be eligible as a director unless he be the owner of five shares of the capital stock. The said board shall elect a president from their number, fill vacancies, and appoint such other officers and agents as they may deem necessary, and require securities for the faithful performance of their duties; also, prescribe the time for the payment of instalments or assessments upon the capital stock, and the amount of such instalments or assessments; to declare the forfeiture of such stock for non-payment; and to do or cause to be done all other lawful acts or things which they may deem necessary or proper in conducting the business of said company. A majority of said board of directors shall constitute a quorum for doing business. All instruments in writing, executed by the president and secretary under the seal of the company with the consent of the board of directors, shall be valid and binding.

Sec. 6. That the board shall have power to elect an agent or agents who shall be members of said company, and whose name shall be made known to the public, and by whom the business of the corporation may be conducted under the powers given him by the board.

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Sec. 7. The company hereby intended to be chartered and established, shall in no case charge more than six dollars per one thousand feet of first quality of gas.

Sec. 8. That this act shall take effect from and after its passage.

Approved November 17, 1871.

CHAPTER LXVII.

An Act to Incorporate G. M. Johnson Lodge Number Ninety-Seven, Independent Order of Odd Fellows, at Starville, Texas,

Section 1. Be it enacted by the Legislature of the State of Texas, That J. G. Human, N. G., and the subordinate officers and members of the G. M. Johnson Lodge No. 97, I. O. O.F., located at Starville, Smith county, and their successors, are hereby created a body corporate and politic, with power to sue and be sued, plead and be impleaded, purchase, own and convey real estate, and receive conveyances of the same; make by-laws for the government of the lodge, have a common seal, and to do and perform all acts and things necessary to carry out the objects of their association.

Sec. 2. This act shall take effect and be in force from and after its passage and remain in force fifty years.

Approved November 17, 1871.

CHAPTER LXVIII.

An Act to Incorporate the Bryan Horticultural Society.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. T. Downard, T. J. Dearing, Spencer Ford, T. T. Smothers, R. A. Blanford, Wm. McIntosh, C. F. Moore, H. A. Moore, H. Mitchell, S. D. Conger, Frank Clark, R. R. Gilbert, E. L. Ward and D. C. Barmese, their associates and successors, be and they are hereby incorporated by the name and style of the Bryan Horticultural Society, for the purpose of encouraging and

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improving the science and practice of horticulture, and promoting the amelioration of the various species of trees, fruits, plants and vegetables, and the introduction of new species and varieties, and for no other purpose whatever; with power to make by-laws, not inconsistent with the laws of this State, for the regulation of said society; to receive donations and bequests for promoting the objects of said society; to levy and collect assessments not exceeding twelve dollars per annum; to enforce the payment of such assessments by suit; to purchase, receive, occupy, hold and convey any real or personal estate which may be proper to carry out the objects of this association; to elect officers and appoint agents to transact the business, manage and apply the funds, discharge the functions and promote the objects thereof, and to commence, prosecute and defend suits, and use a common seal.

Sec. 2. That said society be and they are hereby authorized to appropriate any part of the real estate to be purchased by them for a garden, and for this purpose to lay out the same into suitable squares, lots, walks and mounds, and to plant and embellish the same with shrubbery, flowers, trees and rural ornaments.

Sec. 3. That a majority of the above named corporators shall have power to call the first meeting and organize the corporation; and that this act take effect and be in force from and after its passage.

Approved November 17, 1871.

CHAPTER LXIX.

An Act to Organize and Incorporate the Paris and Bonham Tap of the Missouri, Kansas and Texas Railroad.

Section 1. Be it enacted by the Legislature of the State of Texas, That John B. Bennett, Alfred S. Johnson, Sam Bell Maxey, H. S. Bennett, Geo. W. Wright, J. C. Blackman, B. S. Walcott, Samuel A. Roberts, Gideon Smith, S. B. Allen, Wm. A. Evans, Thomas B. Williams, J. P. Dumas, and their associates and successors, be and they are hereby constituted a body corporate and politic by the name and style of the Paris and Bonham Tap of the Missouri, Kansas and Texas Railroad Company, and by said name shall have succession and a common seal, with capacity to make contracts, and in its said corporate name to sue and be sued, to make

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by-laws for its general government and manage ment, and generally to do and perform all such acts and things as may be necessary and proper for or incidental to the fulfillment of its obligations or the maintenance of its rights under this act, consistent with the Constitution of the State and the United States.

Sec. 2. Said company is hereby authorized to construct, own and maintain, and to equip and operate a continuous line of railway of such gauge as said company may deem best, as well as a telegraph line from the city of Paris, in Lamar county, by the most practicable route to the town of Bonham, in Fannin county, and thence by the most practicable route to a point of intersection with the Missouri, Kansas and Texas Railroad somewhere between Red River and the south boundary lines of the counties of Fannin and Grayson, as said company may deem most practicable.

Sec. 3. That to effect the objects of this corporation, the said company shall have the right, in the corporate name, to purchase, own and use, and sell lands, and other property, and to accept donations of land or other property, or to receive the same in payment of subscriptions of stock, and to issue stock therefor as the contracting parties may agree upon; to use such weight of iron per lineal yard as the company may deem best; to fix the capital stock of said company at not exceeding five millions of dollars, which shall consist of shares of one hundred dollars each, transferable as the laws of said company may direct. In the election of officers, each share shall entitle the owner thereof to one vote, which may be given by himself, or by proxy, authorized in writing. The board of directors shall have power to require payment of stock subscribed in such instalments and at such times and places as the by-laws of the company may provide, and shall be required at each meeting to report all action taken and proceedings held by them during the previous year.

Sec. 4. The persons named in the first section of this act, or a majority of them, shall meet in the town of Bonham within ninety days of the passage of this act, and temporarily organize the company, by electing a president and vice president from the incorporators, and a secretary and treasurer, who shall be required to report at each annual meeting, and a board of directors, which said board shall consist of not less than five nor more than seven persons. The officers elected, as aforesaid, shall continue in office not exceeding six months, within which time they shall permanently organize by calling a meeting of the stockholders, and holding an election for a like number of directors as is mentioned in the temporary organization. The said election shall be called by the president, or any three directors. The directors shall have power to appoint an executive committee, and confer on it such powers as they deem necessary.

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and to appoint any other agents or officers the company may require for its business.

Sec. 5. That the right of way through the public lands of the State along the line of said road be and the same is hereby granted to said company, and the authority is hereby conferred on said company to take from the public lands adjacent to said road, stone, earth, timber and other material for the construction thereof; and the right of way is hereby granted to said company to the extent of two hundred feet in width, when it passes over the public lands, including all land necessary for stations, work shops, switches, side tracks, turn tables and water stations, at any point along said main line; and when the same shall pass through the land of private persons, the right of way is hereby secured in accordance with the general laws of the State now in force. Said company is authorized, and the right is hereby granted them, to cross or connect with any other railway, to join stocks, or consolidate with any other railway company running in the same general direction and to intersect or tap the Missouri, Kansas and Texas Railway, as provided in section second.

Sec. 6. Said company may locate its office at any point on the line of the road. All suits by the company shall be prosecuted by the president, and in suits against the company the suit shall be instituted in the county where the office is located; and service of process on the president or secretary shall be sufficient.

Sec. 7. The construction of this road shall be commenced within twelve months after the permanent organization of the company, and said road shall be completed within five years from the passage of this act, or forfeit all rights herein granted, except the work which may then be completed.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved November 17, 1871.

CHAPTER LXX.

An Act to Incorporate the Texas Agricultural, Horticultural, Mechanical and Industrial Association of Waco.

Section 1. Be it enacted by the Legislature of the State of Texas, That D. T. Chamberlain, John T. Flint, E. A. Sturgis, J. E. Sears, R. C. Majors, N. H. Conger, A. P. Green, Sanford Johnson, A. Wheeler, J. M. Holt, J. D. Wallace, W. A. Taylor,

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and others their associates and successors, be and they are hereby declared a body corporate and politic, under the name and style of the Texas Agricultural and Industrial Association of Waco, and by said corporate name shall be capable of suing and being sued, pleading and being impleaded, contracting and being contracted with, and of doing and performing all things necessary to carry into effect the object of this act; they shall also have and use a common seal.

Sec. 2. That the persons named in the first section of this act shall act as commissioners to obtain by subscription, the capital stock of said association, and that the stockholders shall organize the same as hereinafter provided.

Sec. 3. That the objects of said association are declared to be the improvement of the breed of domestic animals and the encouragement of agricultural, horticultural and mechanical improvement, and for these purposes said association is authorized to purchase, import, breed, exhibit and sell any kind of domestic animals; to purchase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the mechanical, agricultural, horticultural and manufacturing interest of this State; provided, nothing herein contained shall infringe upon the rights of patentees. For the further purpose of carrying out the objects and purposes above declared, said association is hereby authorized to buy, sell, receive, hold and own, with full power to convey the same, all necessary real estate for fair grounds, pastures, farming and manufacturing grounds, and to erect upon the same such improvements as may be necessary to carry out the objects of this association; that the fair grounds and other improvements shall be located in McLennan county, in this State.

Sec. 4. The capital stock of said association shall not exceed two hundred thousand dollars, to be divided into shares of twenty dollars each; each share entitling the owner thereof to one vote for each share that he may own, either in person or by proxy. The administration of the affairs of the association shall be entrusted to a board of directors, to be elected at the first meeting for organization of the association by the corporators before named, of such number and for such time as they may determine. The officers of said association shall consist of a president and vice president, who shall be elected from and by the stockholders of said association, and who shall own at least five paid up shares of stock.

Sec. 5. The president and vice president shall be members of the board of directors, and together they shall make such by-laws, rules and regulations, and appoint such other officers and agents as may be necessary for the government and conduct of said associa-

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tion, and for the preservation or order, and the protection of their grounds from imposition and trespass.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Approved November 17, 1871.

CHAPTER LXXI.

An Act for the Relief of the Heirs of Geo. W. Wall, Deceased.

Whereas, It appears from indubitable evidence that Geo. W. Wall immigrated to Sabine county, Texas, in the year A. D. 1838, and obtained a conditional headright certificate for six hundred and forty acres of land; and,

Whereas, Said Wall died in said county of Sabine before the expiration of the three years necessary for him to acquire an unconditional certificate, leaving a family of young orphan children who knew nothing of their rights, nor do they yet know whether their father obtained a conditional certificate, as by the then existing law he was entitled; and,

Whereas, The records in the General Land Office show that the conditional certificate for six hundred and forty acres of land was issued to said Geo. W. Wall by the board of land commissioners of Sabine county; therefore

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby required to issue to the heirs of George W. Hall a certificate for six hundred and forty acres of land to be located and patented on any of the unlocated public domain of the State.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed November 17, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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CHAPTER LXXII.

An Act to Authorize W. H. McVey to Erect a Toll Bridge over Red Oak Creek, in Ellis County, on the Road Leading from Lancaster, in Dallas County, to Chatfield Point and Corsicana, in Navarro County.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. H. McVey be and he is hereby authorized and empowered to erect a toll bridge over Red Oak creek, in the county of Ellis, where the road leading from Lancaster, in Dallas county, to Chatfield point and Corsicana, in Navarro county, crosses the same; and that he be authorized and empowered to charge, receive and collect toll for crossing said bridge at the following rates, to-wit: For every footman, three cents; for every man and horse, ten cents; for one horse and vehicle, twenty cents; for two horses and vehicle, twenty-five cents; for every wagon and two yoke of oxen, thirty cents; for every wagon and more than two yoke of oxen, fifty cents; for every four to six-horse wagon, fifty cents; for loose horses, each, five cents; for other stock, loose, per head, one cent.

Sec. 2. That the right and privilege herein granted shall inure to the benefit of the said W. H. McVey, his heirs and assigns for twenty years; provided, however, that in order to secure the privileges conferrd by this act, he shall, within twelve months from the passage thereof, erect and construct a good, safe and substantial bridge at the point aforesaid, and shall keep the same in good repair; and in the event of any accident or casualty destroying the same, the said McVey shall reconstruct the same within twelve months from the date of such accident or casualty; otherwise the franchise herein granted shall cease and abate.

Sec. 3. That no bridge shall be permitted or allowed to collect toll, or be erected with the right so to do, within three miles above and below said crossing, during the continuance of this franchise.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Passed November 21, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it orig-

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inated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LXXIII.

An Act to Authorize David L. Cross to Construct, Keep and Maintain a Dam across the Colorado River, for Milling and Manufacturing Purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That David L. Cross be and he is hereby fully authorized to construct, keep and continue his dam across Colorado river, at its present site, and purchased by him, without limitation or restriction, except as herein provided.

Sec. 2. Be it further enacted, That, should the said Colorado river hereafter be made navigable by boats, or vessels propelled by steam, the said Cross or his assigns shall be required to construct and keep in repair a lock or gate in said dam, such as to permit said vessels to pass through when required.

Sec. 3. Be it further enacted, That all laws or parts of laws conflicting with this act, be and the same are hereby repealed, and this act shall take effect and be in force from after its passage.

Passed November 21, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated, within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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CHAPTER LXXIV.

An Act Authorizing and Requiring the Commissioner of the General Land Office to Issue Patent upon Certificate Number 169, to the Heirs or Assignees of John Pate.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue patent or patents to the heirs or assignees of John Pate, on the survey or surveys heretofore or hereafter made by virtue of certificate No. 169, (class 2,) issued to John Pate on the first of October, A. D. 1837, for twelve hundred and eighty acres of land, by the board of land commissioners for Nacogdoches county, without requiring the said heirs or assignees to file in the Land Office the conditional certificate.

Sec. 2. That this act take effect from and after its passage.

Passed November 21, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousnd eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LXXV.

An Act to Incorporate the Red River Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That L. S. Owens, T. T. Teel, B. R. Sappington, J. D. George, James S. Porter, Geo. A. Cutter, E. Y. Broughton, S. R. Shepherd, R. D. King, Thomas H. Baker, of the State of Texas, D. W. Hughes, of the State of Missouri, W. M. Locke, N. B. Carter, Thos. Kinney, and M. R. Boulden, of the State of Kansas, and their associates and successors, be and they are hereby constituted

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and declared to be a body politic and corporate, under the name and style of the Red River Bridge Company.

Sec. 2. That the said persons, their associates and successors, under the name and style as aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts in this State whatsoever, and may have a common seal, and may alter the same at pleasure.

Sec. 3. That the said persons, their associates and successors, under the name and style aforesaid, shall be authorized to construct a bridge over the Red River, at any place to be selected by said company, between Preston and Colbert's Ferry in Grayson county, to strike said river as may be deemed by the said company most eligible, and to purchase and hold property, real, personal or mixed, as far as necessary for the construction of and maintenance of said bridge; provided, the amount does not exceed five hundred thousand dollars, and to do all other works necessary, not contrary to the Constitution and laws of this State.

Sec. 4. That said company may enact such by-laws and rules for the management of their officers as may be consistent with the Constitution and laws of this State.

Sec. 5. That the capital stock of said company may be five hundred thousand dollars.

Sec. 6. That said incorporators shall open books and receive subscriptions to the capital stock of said bridge company.

Sec. 7. That shares of stock of said company shall be one hundred dollars each.

Sec. 8. That said incorporators shall not receive any subscription to the capital stock of said company unless five per cent. be paid to them at the time of subscribing; and should they receive subsciptions to said stock without said payment, they shall be personally liable to pay the same to said corporation when organized. A majority of said incorporators shall constitute a quorum, and they may hold their meetings at such time and place as a majority shall designate; provided, notice shall be given of such meeting in the official newspaper at Austin, Texas, at least twenty days before such meetings.

Sec. 9. That whenever one-half of the capital stock shall be taken, and the five per cent. paid in, then the company shall organize by electing a president, secretary, treasurer, and five directors, who shall hold their offices as the by-laws of the company may direct.

Sec. 10. Said company shall have the right to build a railway upon said bridge, for the transfer of locomotives and cars in connection with any railway company; provided, however, that the

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transit of teams, vehicles or stock is not materially interrupted by the passage of said locomotives or cars.

Sec. 11. That the work shall be commenced upon said bridge within two and shall be finished within five years from the date of this act.

Sec. 12. That said company shall have the right to cut and carry away from any public land of this State any timber, rock or building material necessary for the construction of said bridge.

Sec. 13. That the rates of toll over said bridge shall not exceed the following rates, viz: For wagon and four animals, one dollar; for wagon and two animals, fifty cents; for carriage and two animals, fifty cents; for carriage and one animal, twenty-five cents; for each person and riding animal, fifteen cents; for each horse or mule, five cents; for each neat cattle, five cents; for each hog, two cents; for each sheep or goat, two cents; for foot passengers, five cents; and for all other things not herein enumerated, a proportional rate as those herein specified.

Sc. 14. That the said company be, and they are hereby required and bound to keep said bridge in good repair, and to keep in constant attendance at the toll gate of the same, a sufficient number of persons to admit passengers and property to cross at any time, by day or night.

Sec. 15. That no other toll bridge or ferry shall be established across said Red River, other than the one herein provided for, within three miles up and down said river, from the place where said company shall designate for the construction of said bridge as aforesaid, unless said bridge company or their associates or successors, shall fail and refuse to keep said bridge in good repair.

Sec. 16. That the privileges granted in this charter to said company shall cease and determine after the expiration of fifty years from the passage of this act; and that this act take effect from and after its passage.

Passed November 23, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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CHAPTER LXXVI.

An Act Incorporating a Toll Bridge on the Tahuaccanna, at the Crossing of the public Road from Waco to Corsicana.

Section 1. Be it enacted by the Legislature of the State of Texas, That Mrs. Victoria A. Blankenship be and she is hereby authorized to construct a toll bridge across the Tahuaccanna creek, at the place where the main public road, from Waco to Corsicana, crosses the same, and also a tool house.

Sec. 2. Be it further enacted, That said Mrs. Victoria A. Blankenship may demand and receive toll for crossing said bridge, at the following rates, to-wit: For six horses and wagon, fifty cents; for four to six yoke of oxen and wagon, fifty cents; for two to four yoke of oxen and wagon, thirty cents; for two to four horses and vehicle, twenty-five cents; for one horse and vehicle, twenty cents; for man and horse, ten cents; for horses per head, five cents; for footment, five cents; for cattle, sheep, hogs, etc., one cent per head.

Sec. 3. Be it further enacted, That the right to collect toll on and from said bridge shall continue for thirty years from and after the passage of this act.

Sec. 4. Be it further enacted, That no other toll bridge shall be incorporatd across said creek withith two miles of said Waco and Corsicana crossing.

Sec. 5. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Passed November 24, 1871.

The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one one, having been presented to the Governor of Texas for his approval, was returned by him to the House in which it originated with his objections thereto, passed both houses of the Legislature over his veto, two-thirds of the members thereof concurring therein, and has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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CHAPTER LXXVII.

An Act to incorporate the Texas Lumber and Manufacturing Company.

Section 1. Be it enacted by the Legisature of the State of Texas, That S. S. Munger and his associates and successors be and are hereby created a body corporate and politic under the name and style of the Texas Lumber and Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, and do and perform all such acts as are incidental to like corporations.

Sec. 2. Said corporations shall have the right, in their corporate name, to buy lands in any county in the State, to establish saw mills and manufacture lumber and shingles.

Sec. 3. Said company shall also have the right to establish, in or near the city of Houston, planing and other mills, and may erect shops for the manufacture of railway cars, wagons, agricultural implements and any other articles, and carry on a general manufacturing business.

Sec. 4. Said company may buy and own such real estate in Houston as may be necessary for the transaction of its business.

Sec. 5. The capital stock of the company shall be two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and each and every share shall be entitled to one vote either in person or by proxy.

Sec. 6. Whenever twenty-five thousand dollars of the capital stock of said company shall have been subscribed and ten (10) per cent. paid in, in cash, the company may organize and elect its officers, which said officers shall be re-elected annually on the first Tuesday in January, and failing to elect at that time, may elect as soon thereafter as convenient.

Sec. 7. The business of said company may be conducted by a board of not less than three nor more than seven directors, who shall, from their number, elect a president, or they may, if they choose, confide the entire business to the charge of a president who shall be elected by the stockholders, and be amenable directly to them. They may also choose such other officers as they may see proper.

Sec. 8. The stockholders or directors may call in the stock at the rate of ten (10) per cent. per month, but not faster, unless by a call of three-fourths of all the stock taken.

Sec. 9. Said company shall have power to enact by laws for

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their government, and make such regulations as they may see proper, to enforce the payment of assessments upon their stock.

Sec. 10. The principal office of said company shall be in the city of Houston.

Sec. 11. Whenever the requisite amount of stock has been taken, the stockholders may be called together by S. S. Munger and said company organized.

Sec. 12. This charter shall be in force from and after its passage, and continue for twenty-five years.

Approved November 25, 1871.

CHAPTER LXXVIII.

An Act to incorporate the Excelsior Real Estate and Building Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Horace Welch, Jno. G. Boyle, C. W. Garland, Chas. Haughn, J. W. Johnson and Geo. Walker, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the Excelsior Real Estate and Building Association, with capacity in said corporate name to make contracts; to hold, buy and sell property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds, mortgages, and deeds of trust; to have succession and a common seal; to make by-laws for the regulation of its affairs; to sue and be sued; to plead and be impleaded; to declare dividends and make divisions of property; to do and perform all such things as may be necessary and proper for or incident to the fulfillment of its obligations and maintenance of its rights under this act, and consistent with the Constitution and laws of the State; provided, that the operations of said association, as to the purchase or holding of real property, shall be restricted exclusively to and within the county of Marion.

Sec. 2. The officers and managers of this association shall consist of five directors and one treasurer, to be elected by the shareholders. There shall be one president and one vice president, to be chosen by the board of directors, and also one secretary, to be chosen by the directors from the shareholders. Such officers shall receive such compensation as the by-laws may provide, and their term of

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office shall be for one year, subject to removal in such manner as the by-laws may prescribe.

Sec. 3. The capital stock shall be fifty thousand dollars, with the power and privilege of increasing the same to three hundred thousand dollars.

Sec. 4. The capital stock of fifty thousand dollars shall be divided into one hundred shares of five hundred dollars per share, payable in monthly instalments of ten dollars per month.

Sec. 5. Any shareholder who fails, neglects or refuses to pay or cause to be paid his regular monthly instalment, shall forfeit his stock to the association; provided, however, that by and with the consent of the board of directors, for some good cause shown, such delinquent may be allowed fifteen days to redeem stock thus forfeited.

Sec. 6. No person shall own more than five shares of stock in this association, and in case any share of stock shall become forfeited in accordance with the foregoing provision, the board of directors shall dispose of the same to the highest bidder, in such manner as the by-laws may direct; provided, that one half the proceeds shall be returned to the shareholder whose stock has been forfeited.

Sec. 7. Whenever one hundred shares shall have been subscribed, and two months instalments paid in, this association shall be deemed organized and competent to transact business under this charter, and be entitled to all the grants and privileges hereunder.

Sec. 8. Service of any and all legal proceedings, in any suit against this association, shall be sufficient if made upon the president or secretary.

Sec. 9. Books of subscription shall be opened under the supervision and direction of the corporators herein named, each share entitling the owner thereof to one vote, and when the required amount is subscribed and paid in, they shall give notic and proceed to organize said association.

Sec. 10. This act of incorporation shall be in full force and have effect from and after the date of its passage, for and during the period of thirty years.

Approved November 25, 1871.

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CHAPTER LXXIX.

An Act to Incorporate the Hebrew Benevolent Society of Brownsville, in Brownsville, Cameron County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Bernard Kowalski, president, Emil Hirsch, vice president, William Marks, treasurer, and Adolph Marks, secretary, and their successors in office be and they are hereby declared a body corporatt under the name and style of Hebrew Benevolent Society of Brownsville, to be located in Brownsville, Texas, and by that name may at all times hereafter be capable to have, receive and retain property, real, personal and mixed, and the same at their pleasure to dispose of; provided, the same shall not exceed in value, at one time, the sum of fifty thousand dollars.

Sec. 2. That said corporation, by the name and style aforesaid, is hereby empowered to sue and be sued, plead and be impleaded, answer and be answered unto in any court or before any judge or officer whatever, in all actions, matters or demands of any character whatsoever.

Sec. 3. That the said corporation shall have full power to enact by-laws, rules and regulations for the government of said society and property to the amount of fifty thousand dollars, and to change or amend the same, from time to time, so as to suit the requirements for the government of said society, and to elect such officers as may be necessary, including a board of trustees for the efficient discharge of their duties, and that ten members shall form a quorum for the transaction of business.

Sec. 4. That the said society may have a common seal, and the same alter and change at their pleasure, and shall in general have and exercise all rights, privileges and immunities by law incident or necessary to societies of the like kind for twenty years and no longer.

Sec. 5. That this act shall take effect and be in force from and after its passage.

Approved November 25, 1871.

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CHAPTER LXXX.

An Act to Incorporate the Central Texas Agricultural and Mechanical Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Merritt Drane, president, J. H. Haden, vice president, W. S. Robinson, J. K. Smyrl, Robert Mabry, R. H. Mathews, A. H. Beall and J. H. Halbert, directors, together with such other persons as hold certificates of stock in the Central Texas Agricultural and Mechanical Association, a private company, heretofore organized, their associates and successors, are hereby declared to be a body corporate, under the name and style of the Central Texas Agricultural and Mechanical Association, with capacity to sue and be sued, plead and be impleaded, contract and be contracted with, and to do and perform all things necessary to carry into effect the objects of their association.

Sec. 2. The objects of said association are declared to be to encourage agricultural and mechanical improvements, and to improve the breed of domestic animals; and to this end it is hereby authorized and empowered to own the necessary real estate for fair grounds, pastures and training grounds, and erect thereon such buildings as may be necessary to carry out these objects. The fair grounds of said association shall be in Navarro county.

Sec. 3. The capital stock of said association shall not exceed fifty thousand dollars, divided into shares of twenty-five dollars each; and the affairs of said association shall be managed by a president, vice president and directors, to be elected by the stockholders out of their own number. The election for president, vice president, directors and such other officers as may be created by the by-laws of said association, shall be annual, and at such time and place as in such by-laws may be directed. In case of vacancies, the board of directors shall fill the same until the next regular election, and the directors and officers shall hold office until their successors are qualified.

Sec. 4. Said president, vice president and board of directors shall have power to make all necessary rules and regulations for holding their fairs, for the preservation or order, for the prevention and suppession of the introduction or sale of intoxicating drinks on their grounds, and the protection of the fair grounds from disturbances or breach of the peace during the time of holding fairs.

Sec. 5. During said fairs said rules shall be conspicuously

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posted up at the entrance gate or gates thereto; and any person who shall violate any of said rules or regulations shall be subject to a fine not exceeding fifty dollars, recoverable before any justice of the peace in Navarro county. Any such justice of the peace, on complaint being made before him of a violation of said by-laws, shall immediately cause the arrest and punishment of the offender. Such fines shall be collected as are fines for violation of the penal laws of this State.

Sec. 6. The stockholders thereof shall be responsible for the debts of said association, in proportion to the number of shares owned by each one; provided, no stockholder shall be responsible for any greater amount than the value of the share or shares owned by him.

Sec. 7. No contract shall be binding on said association unless it is signed by the president and countersigned by the secretary thereof.

Sec. 8. That this act shall be in force for the period of thirty years. and shall take effect from and after its passage.

Approved November 25, 1871.

CHAPTER LXXXI.

An Act to Incorporate the Texas European Steamship and Land Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. W. Hurley, C. L. Beissner, E. Webster, George Lingham, S. A. Edgerley, W. Crooks, and their associates and successors be and they are hereby incorporated and declared to be a body corporate and politic under the name of The Texas European Steamship and Land Company, and under such name shall be in law capable of suing and being sued, impleading and being impleaded, and shall be capable of holding and conveying any estate, real, personal and mixed, and doing and performing all things necessary for the business of said company, not contrary to the Constitution or laws of the State. They may own, build and charter steamships to ply between the port of Galveston, in the State of Texas, and any of the ports of England, Ireland, Wales or Scotland, or the port of Bremen, in Germany, for the purpose of transporting passengers and freights, and of bringing immigrants into Texas. Said company shall have a corporate seal with such device as they may select.

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Sec. 2. The capital stock of said company shall be five hundred thousand dollars, which may be increased to any amount not exceeding two millions, divided into shares of five hundred dollars each, and the said company may commence operations under this act whenever two hundred thousand dollars of the capital stock shall be subscribed and fifty per cent (50 per cent) of the same paid in.

Sec. 3. The principal object of said company is declared to be the promotion of immigration to Texas, to facilitate the sale and purchase, and settlement of lands by immigration, and to introduce respectable immigrants, laborers, skilled operators and capital into the State.

Sec. 4. The said company is prohibited from introducing as immigrants into the State any convicts, fugitives from justice, profligates, persons of loose habits, drunkards or those who have been of notoriously vicious, immoral or depraved dispositions.

Sec. 5. The management of the affairs of said company shall be conducted by a board of directors, to be selected from the stockholders, and under such rules and regulations as the stockholders may determine at their first regular meeting, and the organization of said company shall take place at such meeting. The directors shall have power to make all necessary by-laws for the management of the company, and such by-laws, when not inconsistent with the provisions of this act and the Constitution and laws of the State, shall be binding upon all the stockholders.

Sec. 6. The principal office and place of business of said company shall be in the city of Galveston, State of Texas.

Sec. 7. That this act shall take effect and be in force from and after its passage.

Approved November 25, 1871.

CHAPTER LXXXII.

An Act Amendatory of and Supplementary to an Act Entitled An Act to Encourage the Speedy Construction of a Railway Through the State of Texas to the Pacific Ocean, Passed on the Twenty-fourth day of May, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of the above entitled act shall be so amended as to read as follows: "Section 1. Be it enacted by the Legislature of the State of Texas, That in order to secure and promote

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the speedy construction of a railway through the State of Texas to the Pacific Ocean, and thereby secure the incidental advantages of cheap transportation for emigrants to the western and unsettled portion of the State, facility of communication between the eastern and western boundaries, the settlement and enhancement in value of the now unoccupied public domain, and the development of the great mineral, agricultural and stockraising resources of the State, the State of Texas hereby consents, binds and obligates herself to donate, and does hereby grant to the Southern Pacific Railroad Company and to the Southern Trans-Continental Railway Company, heretofore chartered by the Legislature of the State of Texas, the bonds of the State of Texas to the amount of six millions of dollars in the manner and upon the terms and conditions following, to-wit: To the Southern Pacific Railroad Company there are hereby granted the bonds of the State to the amount of three millions of dollars, and to the Southern Trans-Continental Railway Company there are hereby granted the bonds of the State to the amount of three millions of dollars upon the condition that the said companies shall, before the first day of June, A. D. 1872, agree upon a point of junction of the two roads, which said point of junction shall be within three miles of the junction of the West Fork and Clear Fork of the Trinity river, and on the south side of said rivers, and shall file such agreement, duly executed by the two companies, in the form of an indenture between the two companies in the office of the Secretary of State of the State of Texas; the said Southern Pacific Railroad Company, shall build its road from the present western terminus thereof, at Longview, in Upshur county, by such route as the said company may deem the most practicable, crossing the Central Railroad within one mile of Browder's Springs, to the said point of junction, and the said Southern Trans-Continental Railway Company, shall build its road from Jefferson to a point on the eastern boundary of the State of Texas, bordering on the State of Arkansas, at or near Texarkana, and thence through the town of Clarksville, in Red River county, and through the city of Paris in Lamar county, to the point of junction, confining its line as nearly as may be practicable, to the old survey of the Memphis, El Paso and Pacific Railroad Company; and for the purpose of more certainly and conveniently transporting the material necessary to the construction of its said road, as above defined, the said Southern Trans-Continental Railway Company, shall have the right to construct a railway from the town of Marshall, in Harrison county, to Jefferson, which shall be a part of the railway of the said company; provided, that the said company shall not be entitled to apply any part of the subsidy herein granted to the said road, from Marshall to Jefferson; the said companies, by

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the first of September, 1872, shall make a survey of the route of each of the said roads to the said point of junction, and shall file a map of said routes in the General Land Office at Austin and in the office of the Secretary of State, and the distances between the principal points along said routes to the said point of junction shall be carefully noted on said maps."

Sec. 2. That section four of said act be so amended as to read as follows: "The bonds hereinbefore provided shall be issued and delivered to the said railroad companies, or either of them, which may be entitled to receive the same in the following manner, to-wit: when either of said companies shall complete, equip, and put in running order twenty-five consecutive miles of its said line of road, and the chief engineer of said company shall certify the same to the Governor of the State under oath; it shall then be the duty of the Governor to detail such officer as may be prescribed by law, or appointed by the Governor for that purpose, to examine the same, and upon the written report of such officer that the said twenty-five miles of such railroad have been completed in a thorough and substantial manner, it shall then be the duty of the Governor to issue and deliver to the said company, the bonds herein provided for, to the amount of ten thousand dollars per mile for each and every mile of said twenty-five miles of said road, then and thereafter, so soon and so often as said companies, or either of them, shall complete ten miles of their road and equip and put the same in running order, it shall be the duty of the Governor to deliver to said companies respectively the bonds hereinbefore provided, at the rate of ten thousand dollars per mile, for each and every mile of the said roads in a like manner and under the same restrictions as hereinbefore provided, until the said roads shall be completed to said point of junction."

Sec. 3. That section five of said act be so amended as to read as follows: "That the Legislature of the State of Texas, if vested with the constitutional power to do so, may at any time before the first day of January, A. D. 1874, substitute for the bonds hereinbefore donated a grant of the public lands of the State to the amount of twenty-four sections to the mile to each of said companies respectively; for each and every mile of road built by said companies respectively, after the passage of this act, in lieu of said bonds, in like manner and under the same restrictions as provided in this act; provided, that if any of the bonds herein provided, shall be issued before the Legislature shall make such substitution, then said bonds shall be redeemed and canceled as provided in sections six and seven of this act; and provided, further, that if the Legislature shall not have made such substitution of lands for the said bonds by the first day of January, 1874, then the said company shall have the right

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at any time thereafter, when the Legislature shall have power to grant the public lands in aid of internal improvements, to deliver to the Governor of the State any bonds which may have been delivered to them under the provisions of this act, and shall receive therefor a grant of the public lands, to the amount and in the manner provided in section six of this act."

Sec. 4. That section eight of said act shall be amended so as to read as follows: "That should either of said companies fail to complete its road to the said point of junction by the first day of January, 1874, then said company shall thereafter take no further benefit under the provisions of this act."

Sec. 5. That the said Southern Pacific Railroad Company, and the Southern Trans-Continental Railway Company are hereby empowered to conform the gauge of their several roads to such gauge as may be adopted by the Texas Pacific Railroad Company, chartered under act of Congress of the United States, March 3, 1871.

Sec. 6. That it is the intent and purpose of this act, and of the act to which this act is amendatory, that each of the said railroad companies shall be entitled to three millions of dollars of said bonds, and that neither of said companies shall receive more than ten thousand dollars per mile for the construction of their roads to the said point of junction; and the said companies shall be entitled to receive ten thousand dollars per mile for a single track railroad westward from the point of junction towards El Paso, until the whole amount of bonds granted shall be consumed; but in no event shall the amount of bonds to be issued under the provisions of the act, of which this act is amendatory, exceed six millions of dollars; provided, that the said companies, after reaching the said point of junction, shall construct the single track westward towards El Paso at the rate of one hundred miles per annum until the whole amount of the subsidy shall be exhausted—failing to do which the said companies shall forfeit all right to any subsidy beyond the said point of junction.

Sec. 7. The said railroad companies shall be subject to no limitation of time in the construction of their roads, other than is provided in this act and the act of which this act is amendatory.

Sec. 8. Anything contained in the act of which this is amendatory, and in other laws or parts of laws, contrary to or inconsistent with the provisions of this act, is hereby repealed; and this act shall take effect from and after its passage.

Passed November 25, 1871.

The foregoing act, received in the office of Secretary of State, December two, one thousand eight hundred and seventy-one,

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having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER LXXXIII.

An Act to Incorporate the Houston Tannery and Leather Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Samuel Geisleman, George H. Dutton, Jacob Binz, W. A. Ellis, W. D. Alexander, and their associates and successors, be a body corporate and politic, under the name and style of the Houston Tannery and Leather Manufacturing Company, with authority in said corporate name and capacity to contract; to sue and be sued; to plead and be impleaded; to acquire real and personal property by gift or purchase, and to sell, grant, mortgage, or alienate the same; to make by-laws for its own government, which by-laws may be altered or amended from time to time, as may be deemed necessary for the promotion and carrying out the objects contemplated in this act.

Sec. 2. That the said company in their corporate name and capacity shall have the right to tan leather and manufacture boots, shoes, and any other articles made of leather which they may desire to manufacture. Said company shall have the right to own such houses, lands, machinery, and all other articles and property of whatsoever kind, necessary for or incidental to the working of their manufactory.

Sec. 3. That the capital stock of said company shall be one hundred thousand dollars, exclusive of its franchises and rights to property, divided into shares of one hundred dollars each, each share to entitle the owner thereof to one vote, either in person or by proxy, in all meetings of the company. Said shares shall be deemed personal property, and shall be transferable under such rules and regulations as may be provided for in the by-laws of the company.

Sec. 4. That for the purpose of organization and commence-

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ment of the enterprise, the corporators, named in the first section of this act, shall constitute the first Board of directors, to serve for one year, and to remain in office until their successors are elected and qualified. The board of directors shall choose from their own number, at their first meeting, a president and such other officers as may be required by the by-laws; nevertheless, the board of directors shall have authority to dispose of the shares in its capital stock in such a manner and on such terms as they may deem most conducive to the interest of the company and the fulfillment of the objects of this act; and shall be, furthermore, authorized to commence operations whenever one hundred and fifty shares shall have been taken and such per centage paid thereon as may be prescribed in their by-laws.

Sec. 5. That the capital stock of said company may be increased to two hundred and fifty thousand dollars, when deemed expedient for the welfare of the company by two-thirds of the board of directors, sanctioned by a majority of the stockholders.

Sec. 6. That this act take effect from and after its passage and continue in full force and effect for the period of fifty years.

Approved November 25, 1871.

CHAPTER LXXXIV.

An Act to Incorporate the St. Mary's Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. J. Morris, Joseph F. Smith, W. G. Roark, John Martin and John H. Wood, and their associates and successors, be and they are hereby declared a body corporate and politic, under the name and style of the Board of Curators of St. Marys Institute, and by that name and style they shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, and to receive donations or bequests of property, real, personal or mixed, and have, hold, use and dispose of the same.

Sec. 2. That the object of said body of curators shall be the permanent establishment and endowment of a purely literary, scientific and moral institution of learning of high degree, for the better education of the youth of the land, and the general diffusion of knowledge among the masses, ignoring all religious creeds, but firmly adhering to the morality of the Bible; and in order to carry

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out successfully said objects, the board of curators shall have power to adopt, under this charter, a code of by-laws by which to govern and control their acts in perfecting said objects.

Sec. 3. That the board of curators may secure in any just and legal manner, any amount of capital not to exceed five hundred thousand dollars, hold and operate the same in any way that they may deem best, to secure the permanent endowment of its professorships, and the promotion of its general objects.

Sec. 4. That the board of curators shall provide for securing such qualified principal and teachers as are necessary; fix the curriculum of studies, and the degrees to be conferred upon students in accordance thereto, and may raise means to establish, in connection with the said institute, a general library or lyceum, with scientific or art museum and herbarium, and control, direct and use the same for the promotion of the special objects of the institute, as well as the general diffusion of knowledge.

Sec. 5. That in case of death or resignation of any one or more of the curators, the remainder shall have power to fill such vacancy or vacancies.

Sec. 6. That the board of curators shall have all general and special powers usually conferred upon such corporations.

Sec. 7. That the board of curators may secure a legal title to the building and ground on which the building now used by the proprietors of the institute is located, near the town of St. Marys, Refugio county, State of Texas, and hold the same for the objects above expressed.

Sec. 8. That this act be in full force and effect from and after its passage.

Approved November 25, 1871.

CHAPTER LXXXV.

An Act to Incorporate the North Texas Collegiate Institute, at Bonham.

Section 1. Be it enacted by the Legislature of the State of Texas, That a collegiate institute is hereby established in the town of Bonham, county of Fannin, State of Texas, to be called the North Texas Collegiate Institute, at Bonham, and by that name shall be a body corporate and politic; shall have continued succession, may contract and be contracted with, sue and be sued, im-

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plead and be impleaded, defend and be defended, and may have, use, alter and renew a common seal.

Sec. 2. That H. W. Lyday, S. B. Allen, S. J. Spotts, J. C. Smith, S. W. McKee, S. D. Nunnelee, B. F. Hays, A. J. Dorn and Gideon Smith shall be the first trustees of the said collegiate institute, and they and their associates and successors shall have power to direct and administer the affairs of said institution, and to fill any vacancy that may occur in said board of trustees, by death, resignation, removal or otherwise.

Sec. 3. That said trustees shall have power to receive, acquire, recover, hold and enjoy any money, or real or personal property or estate that has been or may be subscribed for the use of said institution, and to acquire by gift or purchase any real or personal property or estate necessary for its use, and hold the same to them and their successors, and may use, control and dispose of the same in such manner as will best advance and promote the interest of the institution.

Sec. 4. That said trustees may meet at any time and place in the county of Fannin that they may agree upon. A majority of the trustees shall be a quorum for the transaction of business, and shall have power to appoint a president, treasurer, faculty and other officers, agents and servants; to prescribe their duties, fix their compensation, and remove them at pleasure, and make all necessary rules, regulations and by-laws for the government of the institute not repugnant to the Constitution and laws of this State or of the United States. The first meeting of said trustees shall be within six monhs after the passage of this act.

Sec. 5. That the trustees of said institute shall have power to grant diplomas and award prizes; all such diplomas shall have the seal of the institute affixed to them, and the signature or signatures of such officer or officers as the trustees may direct.

Sec. 6. That no property belonging to said institute shall be alienated or disposed of, unless by a vote of a majority of all the trustees. A majority of all the trustees may dispose of all the real and personal property and estate belonging to said institute, after having given sixty days' notice in some newspaper published in Fannin county, of their intention to close and settle the affairs of the corporation; and when said trustees shall have paid all the debts and liabilities of every kind due by said corporation, and shall have disposed of all its real and personal property, said corporation shall be dissolved, and this act of incorporation shall then cease and terminate.

Sec. 7. That this act take effect from and after its passage.

Approved November 25, 1871.

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CHAPTER LXXXVI.

An Act to incorporate the Bryan Real Estate, Building and Joint Stock Association of Bryan, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. T. Downard, E. L. Ward, T. J. Dearing and D. C. Barmore, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the Bryan Real Estate, Building and Joint Stock Association of Bryan, Texas, with capacity, in said corporate name, to make contracts; to hold, buy and sell property; to contract and execute leases; to take grants and gifts; to execute deeds, mortgages and deeds of trust; to have succession and a common seal; to make a constitution and by-laws for the government and regulation of its affairs; to sue and be sued, plead and be impleaded; to declare dividends and make divisions of property, and to do and perform all such acts and things as may be necessary and proper for and incident to the fulfilment of its obligations and maintenance of its rights under this enactment, and consistent with the laws of this State and of the United States.

Sec. 2. That the capital stock of this association shall be twenty thousand dollars, with power and privilege of increasing the same to one hundred thousand dollars.

Sec. 3. That whenever stock to the amount of ten thousand dollars has been subscribed and two per cent. on the same paid in, the association shall be deemed organized and competent to transact business, and be entitled to all the grants and privileges conferred by this enactment.

Sec. 4. That service of any and all legal process in any suit or proceedings against the association, shall be sufficient if made upon the president or secretary of the association.

Sec. 5. That this act of incorporation shall take effect and be in force from and after its passage.

Approved November 25, 1871.

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CHAPTER LXXXVII.

An Act for the Relief of Colonel Thomas William Ward.

Whereas, Colonel Thomas William Ward, in the month of December, A. D. 1835, while gallantly discharging his duty as a soldier of the Republic of Texas at the storming of Bexar, lost his right leg; and,

Whereas, Subsequently, while superintending the firing of a salute on the anniversary of the Independence of Texas, he was so unfortunate as to lose his right arm; and,

Whereas, He is now old and in need circumstances; as an evidence of the gratitude of the late Republic and present State of Texas, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of seven hundred dollars annually be paid out of the Treasury of the State of Texas to Colonel Thomas William Ward for and during his natural life, commencing from the date of the approval of this act.

Sec. 2. That the sum of seven hundred dollars be and the same is hereby appropriated to liquidate the amount due on the approval hereof, and the Comptroller is hereby authorized and required to draw his warrant on the Treasurer for that amount, payable out of any funds not otherwise appropriated.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved November 25, 1871.

CHAPTER LXXXVIII.

An Act to Incorporate the Victoria Society of Washington County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jno. T. McAdam, James Baker, William Watson, John Ratley, William McAdam, W. E. Copeland, and their associates, be and they are hereby empowered and constituted a body corporate and politic, under the name of the Victoria Society

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of Washington county, and as such may sue and be sued in the courts of this State; may take, hold and enjoy and grant property, both real and personal; make, execute and enforce all legal contracts; may have a common seal, and shall have the right of succession, and may adopt all rules, regulations and by-laws as may become necessary to the organization and future government of said society.

Sec. 2. That said association shall be enabled to purchase and hold such real and personal property as may be necessary to effectuate and sustain the object of its creation, which is hereby declared to be to encourage and promote the emigration of British farmers and others to aid in the development of the agricultural and mechanical interest of the county.

Sec. 3. That this act shall take effect and be in force for twenty-five years from and after its passage.

Approved November 25, 1871.

CHAPTER LXXXIX.

An Act to Incorporate the Round Mountain Educational Company in Blanco County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jas. Bird, Wm. Davis, Alex. Roberts, A. M. Keeves, G. W. Kemp, Thos. J. Salter, G. Harsch, W. T. Shugart, J. W. Shugart, L. Shugart, Jas. Massey, Jas. Perry, Andrew Perry, Jos. Ingram, Robert Price, W. W. Wodskind, John Getlich and Wm. McCarty and their associates, are hereby created and declared to be a body corporate and politic, by the name and style of the Round Mountain Educational Company, and by that name and style shall have twenty-five years succession, with power to contract and be contracted with, sue and be sued, to plead and be impleaded in that name; to have a common seal, and shall have the right to acquire, by purchase, donation, subscription or otherwise personal and real estate, so long as they confine their operations to the promotion of education.

Sec. 2. That the capital stock of said company shall be not less than one nor more than ten thousand dollars, and said company shall have power to increase the same, after its organization, to the amount of twenty thousand dollars, which stock shall be divided

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into shares of ten dollars; whenever stock to the amount of eight hundred dollars shall have been subscribed, there shall be a meeting of the stockholders held for the purpose of electing a board of trustees, which board shall consist of five members to be elected out of the stockholders, and who shall hold their office for the period of one year, or until their successors shall have been elected and qualified, at which meeting there shall also be elected a president, treasurer and secretary, who shall be elected in the same way, and shall serve for the same period as the board of trustees.

Sec. 3. That it shall be the duty of the president to preside over the meetings of the board of trustees, and perform such other duties as may be prescribed by the board of trustees in the rules adopted by them for the government of said board; said company shall, on its organization, adopt a constitution for the government of the company and its officers; and the board of trustees shall have the right to make and adopt any rules that they may deem necessary for the purpose of carrying out said constitution, and for the control of their own deliberations; which rules must not be inconsistent with the constitution of said company, nor with this act.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved November 25, 1871.

CHAPTER XC.

An Act to incorporate the Casino Society of Yorktown.

Section 1. Be it enacted by the Legislature of the State of Texas, That Louis Lenz, F. Bauer, Robert Eckhardt, M. Reidel, F. Lettler, Berthold Gohmert, R. Gohmert and their associates and successors, be and they are hereby constituted a body corporate and politic for the promotion of education and sciences, as well as social intercourse and amusement, under the name and style of the Casino Society of Yorktown, and by that name may receive, hold, enjoy, sell, convey and alienate property, real, personal and mixed, and by the aforesaid name may sue and be sued, defend and be defended, plead and be impleaded in any court of law or equity within this State; provided, that nothing herein contained shall be so construed as to authorize the purchase and sale of lands for speculative purposes, or to hold any more real estate or other property than may be necessary to carry into effect the purposes set forth in this act.

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Sec. 2. That this society shall have power to make such a constitution and by-laws as they may deem necessary for their own government, not contrary to the Constitution and laws of this State, and may elect from their own body the officers necessary for conducting the business of said society.

Sec. 3. That said corporation shall have a common seal, and may alter or change the same at pleasure; and in general have and exercise all such rights, privileges and immunities as by law are incident to and necessary for corporations of a similar character.

Sec. 4. That the capital stock of this corporation shall at no time exceed thirty thousand dollars. and that this act take effect from and after its passage, and remain in force for thirty years.

Approved November 25, 1871.

CHAPTER XCI.

An Act to incorporate the Travis County Agricultural, Mechanical and Blood Stock Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Ed. Finnin, C. S. West, A. W. Moore, E. S. C. Robertson, John Hancock, L. M. Bradley, Ed. Burleson, N. Merrill, Jno. T. Miller, M. M. Long, G. B. Zimpleman, W. O. Hutchinson, C. C. Allen, J. W. Flanagan, Jas. Lee, and their associates and successors, be and they are hereby declared a body corporate and politic, under the name and style of the Travis County Agricultural, Mechanical and Blood Stock Association, and as such shall be capable of suing and being sued; and shall have a corporate seal; pleading and being impleaded; contracting and being contracted with; and doing and performing all things necessary to carry into effect the objects of this act of incorporation. That the parties named in this act shall act as commissioners to obtain by subscription the capital stock of said association.

Sec. 2. That the objects of said association are declared to be the improvement of the breed of domestic animals and the encouragement of agricultural and mechanical improvements; and for these purposes said association is authorized to purchase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the mechanical, agricultural and manufacturing

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interest of the people of said county of Travis or of the State; provided, nothing herein contained shall infringe upon the rights of patentees. And for the further purpose of carrying out the object and purposes of this association as above declared, said association is hereby authorized to own the necessary real estate for fair grounds, pastures, race tracks and training grounds; to offer purses for horses to contend for; and to erect upon the same such improvements as may be necessary to carry out the objects of this association. That the fair grounds and other improvements of said association shall be located in the county of Travis, in this State.

Sec. 3. That the board of directors shall have power to make all necessary rules and regulations for the holding of their fairs and for the preservation of order and decorum, and the protection of the fair grounds from disturbances or breaches of the peace during the time of holding fairs. At the commencement of said fairs, said rules shall be conspicuously posted up at the entrance gate thereof, and any person who shall wilfully violate any of said rules or regulations shall be subject to a fine not exceeding fifty dollars, to be recovered by complaint or indictment in any court having jurisdiction of such offenses.

Sec. 4. That the capital stock of said association shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each. That the affairs of said association shall be conducted by a board of directors, who shall elect from their number a president, vice president, secretary, treasurer and such other officers as may be necessary for a successful operation of said association. That the persons named in this act shall constitute the board of directors for one year from the date of the passage of this act, at the expiration of which time a board of directors of not less than five nor more than ten may be elected by the stockholders of said association.

Sec. 5. That this act take effect and be in force from and after its passage, and continue in force fifty years.

Approved November 25, 1871.

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CHAPTER XCII.

An Act to authorize the County Court of Wharton County to levy a tax to build a Jail at the County Seat.

Whereas, In the year 1870, the jail at the county seat of Wharton county was destroyed by fire, and the said county is now without a jail; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Wharton county be and is hereby authorized to levy annually an ad valorem tax on all taxable property in said county, not to exceed fifty cents on the one hundred dollars value of said property, for the purpose of building a good and substantial jail at the county seat of said county.

Sec. 2. That immediately after the passage of this act the assessor and collector of Wharton county shall proceed to assess and collect said tax, and shall be allowed the same rate of compensation allowed for the collection of other taxes, and shall give such bond as the county court may deem necessary.

Sec. 3. That the county court shall take immediate steps to secure the prompt assessment and collection of said tax and for the speedy construction of said jail in said county.

Sec. 4. That this act take effect and be force from and after its passage.

Approved November 25, 1871.

CHAPTER XCIII.

An Act to authorize the County Court of Marion County to issue coupon interest-bearing bonds for the building of a Court House and Jail for said county, and to levy a tax for the same.

Whereas, The county of Marion is without a court house, and the jail of said county is entirely too small and inadequate for the purposes for which it is used; and,

Whereas, The tax authorized by law to be levied by the county court is insufficient to pay the current expenses of said county and to erect the public buildings aforesaid; therefore

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Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Marion county be and they are hereby authorized and empowered to issue coupon interest-bearing bonds, in amount not to exceed seventy-five thousand dollars ($75,000) for the purpose of raising money to construct a court house and jail on the square situated in Alley's part of the city of Jefferson, Texas, as set forth in Hodge's plan of said city—bounded by Broadway, Dixon, South, Willard and Crawford streets—for the use of said county of Marion; said bonds to be of the denomination of one hundred to one thousand dollars each, to bear interest at the rate of ten per centum per annum, payable annually.

Sec. 2. That said bonds may be sold, either at public or private sale by order of the county court, and the proceeds arising therefrom shall be paid into the county treasury, and by the treasurer paid out on the order of the county court. The interest due on said bonds shall be received by the collector of taxes for all county dues.

Sec. 3. That the said county court is further authorized to levy and collect a special ad valorem county tax, not to exceed one half of one per centum, for the purpose of paying the interest and providing a sinking fund for the final payment of said bonds.

Sec. 4. That said bonds shall be made payable in not less than five nor more than ten years from the date of issuance; but the county court shall have power to redeem the same at an earlier time, should it so determine.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved November 28, 1871.

CHAPTER XCIV.

An Act for the Relief of Ezekiel W. Cullen.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be required to issue to Ezekiel W. Cullen the certificate for bounty claims to land to which he may be entitled under the late laws of the Republic of Texas, for his services as a volunteer soldier at San Antonio de Bexar in 1835, by filing the necessary proof in the General Land Office, showing him entitled to said bounty lands.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed November 28, 1871.

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The foregoing act, received in the office of Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

CHAPTER XCV.

An Act to amend an Act entitled "An Act to consolidate in one Act and amend the several Acts incorporating the City of Houston, in Harris County," passed August 2, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That for all back taxes due to the mayor, aldermen and inhabitants of the city of Houston, said corporation shall have a right of action in any court of competent jurisdiction; provided, nothing in this act shall be construed to permit the recovery of interest on said back taxes, prior to time of institution of suit, for the recovery of said back taxes.

Sec. 2. That this act take effect from and after its passage.

Approved November 28, 1871.

CHAPTER XCVI.

An Act to incorporate the North Texas Agricultural Mechanical and Blood Stock Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That George Wilson, Wm. B. Miller, Geo. M. Swink, James Bentley, John C. McCoy, Henry Ervay, Wm. C. McKaney, W. H. Witt, L. E. Combes and W. H. Gaston and their associates and successors, be and they are hereby declared a body cor-

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porate and politic, under the name and style of the North Texas Agricultural, Mechanical and Blood Stock Association, and as such shall be capable of contracting and being contracted with, suing and being sued, having and using a corporate seal, purchasing and holding in fee or otherwise, lands, goods and property, making and altering by-laws, and doing all other acts and things, and having and enjoying all other franchises incident to, or necessary and proper for effecting the objects of their incorporation.

Sec. 2. That the objects of said association are the encouragement and development of agriculture, the advancement of mechanical and industrial pursuits and the improvement of the breed of domestic animals, and for these purposes, said association is authorized to purchase, import, breed, exhibit and sell any kind of domestic animals, and to purchase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the agricultural, mechanical industrial and manufacturing interest of the people of Northern Texas, and of the whole State; provided, that nothing herein contained shall infringe upon the rights of patentees; and for the purpose of carrying out the objects and purposes of this association as above declared, said association is hereby authorized to own the necessary real estate for fair grounds, pastures, etc., not to exceed one hundred acres, and to erect upon the same suitable buildings and improvements for carrying out the objects of this association.

Sec. 3. That the capital stock of this association shall not exceed fifty thousand dollars, divided into shares of fifty dollars each, and that the affairs of said association shall be conducted by a president, vice-president, secretary and a board of seven directors, elected by and from the stockholders annually at such time as the by-laws of the association may prescribe.

Sec. 4. That at any time after the passage of this act, and within twelve months after the date thereof, it shall be the duty of the commissioners named in the first section of this act, or a majority of them, to assemble the subscribers to the capital stock by giving written notice to each stockholder at least ten days previous to such meeting. One of said commissioners, selected by a majority of the others, shall ex officio preside at said meeting, and he shall proceed to effect the organization of the company by the election of the president, vice president, secretary and directors, as hereinbefore provided, exacting that at least twenty-five per centum of the stock represented shall be paid down before any vote is cast. The board of directors shall have the power of electing a treasurer to take charge of the twenty-five per centum so paid down; and it is herein

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provided that the duties of the commissioners herein named shall cease from the date of the election of this directory.

Sec. 5. That when the organization provided for herein shall have been effected, and when the directory, through the secretary of the association, shall make a demand for the seventy-five per centum, or any portion thereof due on the capital stock, any stockholder failing to pay up the amount due on his stock, or so much thereof as is demanded by the directory, shall forfeit the twenty-five per centum paid in to the association; provided, that ten days' notice of the call for seventy-five per centum of such stock, or any part thereof, be given by written notice to the stockholders owing the same, this notice to be given by the secretary.

Sec. 6. That said association shall, by its directory, have power to make such police regulations, for observance upon and within one-half mile of its fair grounds during the holding and continuance of any fair, as shall insure the peace and quietude of persons there assembled; and to carry out this provision each officer of this association, together with such other persons as may be appointed by the board of directors, are invested with all the powers of peace officers in the county of Dallas, and as such are authorized to arrest without warrant, and at once take before any justice of the peace, any person committing any crime or misdemeanor, or acting in a boisterous or disorderly manner within the fair grounds of said association, or within one-half mile thereof, to be dealt with by such justice as the law may require.

Sec. 7. That the stockholders of this association may at their annual election of officers adopt such by-laws for the government of the association for the ensuing year as they may deem proper, and that are not in violation of the Constitution and laws of this State.

Sec. 8. That the legal domicile of this association shall be in the city of Dallas, Dallas county, Texas.

Sec. 9. That this act be in force from and after its passage, and shall continue in force for fifty years.

Approved November 28, 1871.

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CHAPTER XCVII.

An Act to amend An Act entitled An Act to incorporate the Merchants Mutual Insurance Company, approved September 19, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two of the act of incorporation of the Merchants Mutual Insurance Company, approved September 19, 1866, be amended so as to read as follows: "Sec. 2. That the capital stock of said corporation shall not be less than two hundred and fifty thousand dollars, divided into shares of fifty dollars each, which said shares shall be fully paid up within ninety days from the passage of this act in instalments as the same shall be called for by the president and board of directors of said corporation; and if any stockholder shall fail to pay any instalments so required to be paid, he or she shall cease to be a member of said corporation and shall forfeit his or her stock, and the share or shares so forfeited may be sold by said corporation in such manner as they may think proper; but such forfeiture and sale of such stocks shall not release the holder thereof, nor his or her sureties, on the notes heretofore given by him or her for the unpaid balance due on said stock."

Sec. 2. That whenever the balance due upon said stock shall be fully paid in cash as required by section one of this act, the directors of said corporation shall cause the stock notes heretofore given to be delivered up, canceled to all the makers thereof who shall have so paid up their stock, and thereupon the liability of the maker and endorsers of such notes shall cease and determine.

Sec. 3 That this act take effect and be in force from and after its passage.

Passed November 28, 1871.

The foregoing act, received in the office of the Secretary of State December two, one thousand eight hundred and seventy-one, having been presented to the Governor of Texas for his approval, and not having been returned by him to the House in which it originated within the time prescribed by the Constitution, has become a law without his approval.

J. E. OLDRIGHT,
Acting Secretary of State.

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CHAPTER XCVIII.

An Act to Incorporate the Cleburne Cross Timber Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. W. Beal, E. M. Heath, J. W. Ferris, E. W. Rogers, Jo. Kemble, John Williams, Spencer Ford, A. D. Kennard, A. C. Hoyle, S. P. Hollingsworth, S. Millican, S. Myers, and their associates and successors, be and are hereby constituted a body corporate and politic, by the name and style of the Cleburne Cross Timber Railway Company, and by said name shall have succession and a common seal, with capacity to make contracts, and in its corporate name to sue and be sued; to make by-laws for its general government and management; and generally to do and perform all such acts and things as may be necessary and proper for or incidental to the fulfillment of its obligations or maintenance of its rights under this act, consistent with the Constitution of this State and of the United States. A majority thereof shall meet in the city of Cleburne within ninety days after the passage of this act, and elect such officers as may seem to them best to further the objects of the incorporation, and shall forthwith thereafter open books for the subscription of stock for a period not less than two weeks.

Sec. 2. Said company is hereby authorized to construct, own and maintain, and to equip and operate a continuous line of railway, with a single or double track of such gauge as said company may deem best, as well as a telegraph line from some point on the Houston and Texas Central Railroad within the county of Ellis, by way of the town of Waxahachie, in said county, to the city of Cleburne, in Johnson county, at which point a depot shall be established and thence in a westerly or northwesterly direction, with the privilege of connecting with the Southern Pacific or Trans-Continental Railroad.

Sec. 3. That to effect the objects of this incorporation, the said company shall have the right, in their corporate name, to purchase, own, use and sell lands or other property, personal or real, and to accept donations of lands or any other species of property whatsoever, or to receive the same in payment for subscription of stock, and to issue stock therefor as contracting parties may agree upon; to use such weight of iron per lineal yard as may be deemed best; to fix the capital stock of said company at the sum of three millions of dollars, with the privilege of increasing it to an amount not to exceed six millions of dollars, which shall consist of shares of one

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hundred dollars each, transferable as the the by-laws of said company many direct. In the election of officers, each share shall entitle the owner thereof to one vote, which may be given by himself or proxy authorized by written instrument. The board of directors shall have the right and power to require payment of the stock subscribed, in such instalments and at such times and places as the by-laws of the company may provide.

Sec. 4. The persons named in the first section of this act, or a majority of them, shall meet in the city of Cleburne within ninety days from the passage of this act, and temporarily organize this company hereby incorporated, by electing a president, vice president, secretary and a board of directors, which said board of directors shall consist of not less than seven nor more than nine persons. The president shall be ex-officio a member of the board of directors. The president shall have the power to appoint the engineer of said railroad with the power to remove him, by and with the consent of the executive committee. The said officers shall continue in office for the period of not more than one year, within which time they shall permanently organize by calling together the stockholders in said company, and holding an election for a like number of directors as is named for the temporary organization. The said elections may be called by the president, or on his failure to do so, by any three directors. The directors shall have power to appoint an executive board, and confer on it such powers as they may deem necessary, and such other officers and agents of the company as may be deemed necessary, or may authorize and direct the president to do the same.

Sec. 5. That the right of way through the public lands of the State, along the line of said road, be and the same is hereby granted to said company, to take from public lands adjacent to said road, stone, earth, timber and other material for the construction thereof; and the right of way is hereby granted to said company to the extent of two hundred feet in width where it passes over public lands, including all necessary lands for stations, buildings, workshops, switches, side track, turn tables and water stations, not to exceed forty acres at any point along said main trunk; and when the same shall pass through the lands of private persons, the right of way is hereby secured in accordance with the general laws of the State now in force, and said company is also authorized to cross other roads and highways in the same manner as is now provided by law.

Sec. 6. The said company may locate its principal office at any point along the line of said road as to them may be deemed best, but this shall not prevent the establishment of branch offices at such other places as said company may deem best for the transaction of

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its business. This act shall be deemed and held a general statute, and need not be specially pleaded in suits by or against the company. All suits by the company may be prosecuted by the president, vice president or secretary of the company, and suits may be maintained against said company by service of process being had on the president thereof, and in case of his absence from the State, service of process on secretary of the same, and shall be prosecuted in the county where their principal office is established; provided, that suits against said company may be maintained in any county through which said road is located, for damages for accidents from neglect of employes.

Sec. 7. That said company shall have completed and in running order at least ten miles of their road in two years after the organization thereof, and complete said road to Cleburne within four years thereafter, and this western division in ten years after, and in default thereof, shall forfeit all the franchises hereby granted, except as to the part in running order; provided, that should war, epidemic, revolution or internal strife ensue, or delay the construction of said road thereby, the time the company nor workmen shall in no wise be hindered or delayed in the construction of said railway or telegraph line.

Sec. 8. That this act take effect and be in force from and after its passage.

Approved November 29, 1871.

CHAPTER XCIX.

An Act to incorporate the Jefferson City Street Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. D. Morris, W. H. Johnson, Charles M. Campbell and Marshall Marsh, of the city of Jefferson, county of Marion, and their associates and successors, are hereby declared a body corporate and politic, under the name and style of the Jefferson City Street Railway Company, by which name they may contract and be contracted with, sue to final judgment and be sued, plead and be impleaded, issue bonds, and borrow money for the construction, equipment and maintenance of their road; buy and sell real and personal estate, and generally do all acts necessary to carry out the objects and designs of said company.

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Sec. 2. The legal domicile of said company shall be in the city of Jefferson.

Sec. 3. The object of said company is declared to be to build, equip, own and operate street railways in the streets of the city of Jefferson, and also in such parts of Marion county as may be continuation of said streets, or of said railroads, and this company, under this act, is authorized to build such roads on any street within the corporate limits of the city of Jefferson, as may hereafter be agreed upon by the mayor and aldermen of the city of Jefferson and the said Jefferson City Street Railway company, with the right to use such motive power as may be agreed upon between this company and the said mayor and aldermen of Jefferson.

Sec. 4. The capital stock of this company shall be two hundred thousand dollars, divided into shares of twenty-five dollars each; said shares shall be transferable on the books of the company, in person or by attorney.

Sec. 5. Subscriptions for shares to the capital stock of this company shall be paid in such sums and at such times as may be agreed upon by the by-laws of said company. When any stockholder shall make default in the payment of the assessment of his stock, it shall be sold by the president of said company, after thirty days' public notice, published in some newspaper in the city of Jefferson, which sale shall be an absolute conveyance in fee simple of such stock to its purchaser, he also paying the remaining instalments which may be due.

Sec. 6. This company shall, at their first meeting, make by-laws for their government, not inconsistent with the Constitution and laws of this State or this act of incorporation, and no by-laws shall take effect until approved by a majority of the stockholders.

Sec. 7. That the parties named in the first section of this act, or a majority of them, are hereby declared commissioners, whose duty it shall be, within three years after the passage of this act, to organize said company, as may be determined by a majority of them. The stockholders shall elect a board of not less than five nor more than seven directors, who shall elect from their number a president; and they shall also elect such other officers as the by-laws may require.

Sec. 8. That all contracts made or entered into by and between the mayor and aldermen of the city of Jefferson and the said company, or any privileges or rights granted by the said mayor and aldermen of the city of Jefferson to the said company, shall be in all respects legal and binding on the aforesaid contracting parties.

Sec. 9. This charter shall remain in full force and effect for the period of fifty years.

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Sec. 10. That all acts, laws or parts of laws, ordinances or declarations conflicting with this act of incorporation be and the same are hereby repealed; provided, that nothing herein contained shall annul or set aside any ordinances or laws of the city of Jefferson.

Sec. 11. That this act shall take effect from and after its passage.

Approved November 29, 1871.

CHAPTER C.

An Act to incorporate the Town of Dresden, in Navarro County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Dresden, in Navarro county, be and they are hereby declared a body politic and corporate under the name and style of the Town of Dresden, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real, personal and mixed; provided, such real property is situated within the limits of said corporation; and shall have a common seal to authenticate instruments of writing when it shall be required.

Sec. 2. That it shall be the duty of the citizens of said corporation to elect mayor, marshal and five aldermen; that the marshal shall be ex officio assessor and collector of taxes; that said aldermen shall elect from their own body a treasurer and and secretary and shall have power to appoint such other inferior officers or agents as they may deem necessary for said corporation. The treasurer and assessor and collector of taxes shall each be required to give bond with security, to be approved by the mayor, for the faithful performance of their duties, and to make reports when required by the board of aldermen. And the mayor shall have power to suppress riots and disturbances of the peace, to call out the citizens of said corporation for the purpose of restoring order, and to impose a fine, not to exceed twenty-five dollars, on any citizen of said corporation for refusing to obey such call.

Sec. 3. That no person shall be eligible to any office under the provisions of this charter who is not a qualified voter of this State, and shall have been a resident within the limits of said corporation

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for at least six months prior to his election; nor shall any person have a right to vote for officers who has not been a citizen, and resident within said corporate limits, at least six months next preceding the day of said election.

Sec. 4. That the mayor and board of aldermen of said corporation shall have power to pass such rules and regulations, and ordinances, as may be necessary for the preservation of law and order within the corporate limits; for the levying of taxes; for the removal of nuisances, and keeping the streets in good order; and for any and all other purposes necessary to promote the public welfare and good government within said corporate limits; and they shall have power to prescribe penalties for the violation of the laws and ordinances of the corporation; provided, no tax shall ever be levied exceeding one-half of the State tax, allowed by law; and provided, further, that they shall, in no case, prescribe penalties to exceed one hundred dollars, or imprisonment for more than fifteen days.

Sec. 5. That the limits of said corporation shall be one half mile in every direction from John Sparks' store house, so that said store house shall be in the center of said corporation.

Sec. 6. That the mayor, with a majority of the board of aldermen, shall constitute a quorum for the transaction of business; and in the absence of the mayor, the board of aldermen shall elect one of their own number mayor pro tempore. The mayor shall have the casting vote in case of a tie.

Sec. 7. That the mayor, marshal and aldermen shall hold their offices for a term of one year; that no election shall be held until the next election for members of the State Legislature; that the Governor be and is hereby authorized to appoint a mayor, marshal, and five aldermen for said corporation.

Sec. 8. That the board of aldermen shall have power to enact by-laws, ordinances and regulations, not in conflict with the laws or Constitution of this State, for the good government of said corporation.

Sec. 9. That this act take effect and be in force from and after its passage.

Approved November 29, 1871.

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CHAPTER CI.

An Act to Authorize the County Court of Galveston County to Issue Interest-Bearing Bonds for the Purpose of Funding the Present Outstanding Indebtedness of Said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Galveston county is authorized to issue from time to time interest-bearing and coupon bonds for such sums and in such amounts and payable at such time as said court may deem proper; provided, that the bonds hereby authorized shall be issued only for the purpose of funding the present outstanding indebtedness of said county, of every character whatsoever due and to be due, and when such bonds are issued, said court shall at the time of ordering such issue also provide for the payment of the interest on said bonds and a sinking fund to meet the principal, under the laws now in force.

Sec. 2. That this act shall take effect from and after its passage.

Approved November 29, 1871.

CHAPTER CII.

An Act to Incorporate the Texas Live Stock Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. C. Allen, S. K. Labatt, J. K. Spiers, W. R. Johnson, Selim Rinker, Thos. E. Campton, and N. H. Ricker, and their associates and successors, be and they are hereby constituted and created a body corporate and politic, under the name and style of the Texas Live Stock Insurance Company.

Sec. 2. Said company shall have succession and a common seal, with power to sue and be sued; plead and be impleaded; to grant and receive in their corporate name; to make by-laws for their government; and generally to do and perform all such acts and things proper and necessary to be done by corporate bodies, to carry into effects the objects and ends of said incorporation, not inconsistent withe Constitution and laws of the United States or of the State of Texas.

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Sec. 3. The capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to two hundred thousand dollars. The capital stock shall be divided into one thousand shares of fifty dollars each. Parties subscribing to the capital stock shall pay 10 per centum monthly thereafter, until the full amount is paid. Any stockholder failing to pay his instalment, ten days after notice is served upon him that the same is due, may be charged a fine of fifty cents on each share for each instalment not paid in, until the fines shall have absorbed the amount paid; then the share shall become forfeited to the company.

Sec. 4. The object of said company is declared to be the insurance against death, by accident or natural causes, of stock, horses, mules and milch cows. No dividend shall be declared to stockholders for a sum over 25 per cent. on the par value of their stock. All gains or profits made over this amount shall be declared in dividends to policy holders, pro rata on the amounts paid in by them as entrance fee. Each person offering stock, horses, mules, or milch cows, for insurance in said company, shall, on application, pay into the treasury thereof an amount equal to 10 per cent of the value of the animal to be insured; which said payment shall entitle the policy holder to receive, within five days after the death of any animal so insured, the full value of such animal at the date on which the policy was taken. Upon the notice of the death of any animal insured being furnished to the company, an assessment shall be made of a sum sufficient to cover said loss, pro rata on the entrance fee of each policy holder, and a further sum of twenty-five cents to pay the expenses of the company; which amounts shall be called for by notice served upon each policy holder. No such assessment shall be for a sum greater than the amount of the entrance fee, and should any policy holder fail to meet and pay each assessment, within twenty days after the service of such notice, all sums of money he may have previously paid into the treasury of the company shall be forfeited, his name stricken from the books of the company, and the liabilities of the company, upon the policy issued to him, shall cease.

Sec. 5. In the event of the death of any animal insured by this company, the owner thereof shall immediately report the same to the company and its inspector: which inspector shall investigate the cause of said death, whether by accident, natural cause, cruelty, or fraud. And no policy holder shall recover any money of said company without having first obtained and presented from the inspector of said company, a certificate stating the cause of the death of the animal.

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Sec. 6. Each and every person insuring an animal in this company shall have the same branded with the brand of the company, or have some other mark of identification by which to identify said animal, which brand or mark must be stated in the policy.

Sec. 7. The company shall be managed by a board of directors of not less than five nor more than eleven. The incorporators herein named, in section one, shall have the power to organize the company, and shall constitute the board of directors, and continue in office for one year, at the expiration of which time an election by the stockholders shall be had of such officers and agents as may be deemed necessary for the proper management and control of the company.

Sec. 8. That this act shall take effect and be in force from and after its passage, and continue in force for fifty years.

Approved November 29, 1871.

CHAPTER CIII.

An Act for the relief of Dillard Cooper.

Whereas, Dillard Cooper was one among the fortunate few who escaped death from the Mexicans at Fannin's massacre, at Goliad, in the revolution of 1836, and he was among the gallant defenders of Texas in her early revolutionary struggle; and

Whereas, He is now old, infirm, diseased, and destitute of the means of subsistence; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That said Dillard Cooper be allowed the sum of two hundred and fifty dollars ($250) annually, to be paid in Treasury warrants; one-half of said amount to be paid on the first day of February, and the other half on the first day of August, in each year, and that the Comptroller is hereby authorized to draw his draft for said amount on the Treasurer, payable on the days above specified, in each and every year, during the natural life of said Cooper.

Approved November 29, 1871.

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CHAPTER CIV.

An Act to re-organize the town of Bryan, in Brazos county, Texas, Texas, and incorporate said town as the City of Bryan.

Be it enacted by the Legislature of the State of Texas, as follows:

Article I.—The Corporate Powers.

Section 1. The corporation now existing and known as the Town of Bryan, in Brazos county, Texas, shall continue to be a body corporate in fact by the name and style of the City of Bryan, and shall have perpetual succession with all the grants, powers and privileges now and heretofore held by said corporation, and not modified or repealed by the provisions of this act. Said corporation shall also have such enlarged jurisdiction and additional powers as are hereinafter conferred by this act, and shall have a seal to authenticate all their instruments of writing, with a star in the center and the letters T-E-X-A-S between the points of said star, with the additional words City of Bryan around the edge of said seal.

Article II.—Limits of the Corporation.

Section 1. The limits of the corporation shall be ascertained and defined as follows, to-wit: Commencing at a point seventeen hundred yards due south from the center of the court house square, thence due east seventeen hundred yards, thence due north thirty-four hundred yards, thence due west thirty-four hundred yards, thence due south seventeen hundred yards, thence due east seventeen hundred yards to the place of beginning.

Article III.—Extent of Jurisdiction.

Section 1. The jurisdiction of the corporation of the City of Bryan shall be co-extensive with the limits as defined in article second, and shall also include the distance of five miles for all sanitary purposes in every direction from the center of the court house square.

Article IV.—Officers.

Section 1. The elective officers of the corporation shall be one mayor, five aldermen and one marshal.

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Sec. 2. The mayor and aldermen shall constitue the Common Council of the City of Bryan, and when in session as such common council may appoint and remove at their pleasure such subordinate officers as may be needed from time to time to secure an efficient administration of all ordinances of the corporation.

Article V.—The Powers of the Corporation.

Section 1. The powers of the corporation shall be vested in the mayor and aldermen, and a majority of the aldermen present at any regular or called session shall constitute a quorum competent to do business.

Section 2. The form of all ordinances shall be as follows: "Be it ordained by the Common Council of the City of Bryan."

Sec. 3. No ordinance shall take effect and be in force until the same is published for two weeks in a newspaper published within the corporate limits of the City of Bryan, or in the absence of such newspaper by posting up such ordinances in at least six public places within the limits of the corporation for the length of time above stated. Sanitary ordinances when their speedy enforcement is deemed necessary by the common council may be made to take effect the day after their being posted up in at least twelve public places within said limits.

Sec. 4. The common council, by ordinances, shall have power as follows:

First—To appoint a clerk and treasurer, and such other subordinate officers as may be required, and require bond and proper security for the faithful performance of their duties; to prescribe the duties to be performed by such subordinate officers; to prescribe the duties to be performed by the clerk, treasurer, marshal and other subordinate officers, respectively, and to enforce their performance in such manner and mode as said common council may deem appropriate, not inconsistent with the laws of the State.

Second—To fix the salaries of all officers entitled to the same, either by this act or by an ordinance of the common council.

Third—To levy taxes on all property within the limits of the corporation, subject to taxation, under the laws of the State; but said taxation is not to exceed one-half of one per cent., ad valorem, as estimated in the assessment for State taxes, and to levy occupation taxes on all occupations which are taxed by the State, not to exceed the amount so levied by the State, and to levy a specific tax on dogs.

Fourth—To collect said taxes through the city marshal, in the

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mode and manner prescribed by law for the collection of the State taxes.

Fifth—To license merchants and traders in goods, wares and merchandise of every description; wholesale and retail wine and liquor dealers, wholesale and retail grocers; apothecaries, innkeepers and boarding houses; brokers and money-changers; carts, wagons, hacks, coaches, drays and livery stables; hawkers and peddlers, showmen, theatres, pawn-brokers, and the keepers of beer saloons; barbers, fruit stands, beer gardens, and all other occupations, and to collect said licenses through the city marshal, in the mode and manner prescribed by law for the collection of licenses granted by the State.

Sixth—To regulate the use of the streets, highways, roads, and public places, by foot passengers, vehicles, railways and locomotives.

Seventh—To regulate the use of the sidewalks, and corner stands on the corners of lots and blocks.

Eighth—To prevent and remove encroachments upon, and obstructions to, the streets, highways and public places.

Ninth—To regulate the openings of street surfaces, and to extend the streets as laid down in the recorded plot or plat of said city, in continuation to the corporate limits of said city, if practicable.

Tenth—To regulate the laying of gas or water pipes, and erecting of gas lights.

Eleventh—To regulate or prevent the throwing of ashes, offal, dirt or garbage in the streets.

Twelfth—To regulate or prevent animals running at large, or being rode, driven or led through the city.

Thirteenth—To regulate the cleaning and grading of the streets and sidewalks, the making and cleaning of gutters.

Fourteenth—To regulate the erection, use, and continuance of slaughter houses and market houses.

Fifteenth—To define, regulate and control the conduct of police, and their relation to other officers of the peace and other persons in respect to maintaining peace and good order, and preserving the right of persons and property.

Sixteenth—In relation to street beggars, mendicants and vagrants.

Seventeenth—In relation to the use of guns, pistols, fire arms, fire crackers of all kinds, within the city.

Eigteenth—In relation to the keeping and storage of gunpowder and other explosive materials.

Nineteenth—In relation to intoxication, quarreling and fighting in the streets and in places of public amusement.

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Sec. 2. The mayor and aldermen shall constitue the Common Council of the City of Bryan, and when in session as such common council may appoint and remove at their pleasure such subordinate officers as may be needed from time to time to secure an efficient administration of all ordinances of the corporation.

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Sec. 4. The common council, by ordinances, shall have power as follows:

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Second—To fix the salaries of all officers entitled to the same, either by this act or by an ordinance of the common council.

Third—To levy taxes on all property within the limits of the corporation, subject to taxation, under the laws of the State; but said taxation is not to exceed one-half of one per cent., ad valorem, as estimated in the assessment for State taxes, and to levy occupation taxes on all occupations which are taxed by the State, not to exceed the amount so levied by the State, and to levy a specific tax on dogs.

Fourth—To collect said taxes through the city marshal, in the

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mode and manner prescribed by law for the collection of the State taxes.

Fifth—To license merchants and traders in goods, wares and merchandise of every description; wholesale and retail wine and liquor dealers, wholesale and retail grocers; apothecaries, innkeepers and boarding houses; brokers and money-changers; carts, wagons, hacks, coaches, drays and livery stables; hawkers and peddlers, showmen, theatres, pawn-brokers, and the keepers of beer saloons; barbers, fruit stands, beer gardens, and all other occupations, and to collect said licenses through the city marshal, in the mode and manner prescribed by law for the collection of licenses granted by the State.

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Seventh—To regulate the use of the sidewalks, and corner stands on the corners of lots and blocks.

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Ninth—To regulate the openings of street surfaces, and to extend the streets as laid down in the recorded plot or plat of said city, in continuation to the corporate limits of said city, if practicable.

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Eleventh—To regulate or prevent the throwing of ashes, offal, dirt or garbage in the streets.

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Thirteenth—To regulate the cleaning and grading of the streets and sidewalks, the making and cleaning of gutters.

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Seventeenth—In relation to the use of guns, pistols, fire arms, fire crackers of all kinds, within the city.

Eigteenth—In relation to the keeping and storage of gunpowder and other explosive materials.

Nineteenth—In relation to intoxication, quarreling and fighting in the streets and in places of public amusement.

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Twentieth—In relation to public morals, in exposing the person or exhibiting obscene pictures.

Twenty-first—In relation to the public health, the prevention and removal of nuisances, the regulation of interments, the business of bone boiling or grinding, meat packing, soap making, and other occupations, or occupation, noxious to health and comfort, and to removal, keeping and deposit of manure, offal and garbage.

Twenty-second—In relation to disorderly and gaming houses, their inmates and frequenters, the suppression of vice and immorality.

Twenty-third—In retation to the construction, care and use of markets and wharves or platforms.

Twenty-fourth—In relation to quarantining in apprehension of, or during epidemics.

Twenty-fifth—In relation to passengers and freight trains at the depots and wharves or platforms.

Twenty-sixth—In relation to the prevention and extinguishment of fires and the formation of a fire department, its officers, its regulations and support.

Twenty-seventh—In relation to the assessment and collection of assessments made on the owners of lots and blocks, for the grading, filling up and improving the side-walks and streets adjacent to said lots and blocks, which assessment is hereby made a charge against the owners of such lots and blocks, and a charge and lien on said lots and blocks.

Twenty-eighth—In relation to the affixing of a penalty for a violation of any ordinance, and the collection of said penalty.

Twenty-ninth—In relation to the erection of a city hospital, its conduct and maintenance.

Thirtieth—In relation to the inspection, weighing and measuring of fire wood, hay, straw, and the cartage of the same.

Thirty-first—In relation to the inspection and sealing of weights and measures, and enforcing the keeping and use of proper weights and measures by vendors.

Thirty-second—In relation to public order and keeping the peace.

Thirty-third—In relation to the mode and manner of proceed ings of their own body when in session.

Thirty-fourth—In relation to the time, necessary notices, mode and manner of holding elections for elective officers of the corporation; also, in relation to contested elections for elective officers.

Thirty-fifth—In relation to the employing of legal counsel for the assistance of the common council, and to prosecute on behalf of the corporation in criminal cases, and to institute and defend civil suits in their behalf.

Thirty-sixth—In relation to the employment of a city surveyor.

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Thirty-seventh—In relation to the employment of an adequate police force and night watchmen.

Thirty-eighth—In relation to the imposition of fines and penalties for the violation of ordinances.

Thirty-ninth—In relation to trust property.

Article VI.—Tenure of Office of Elective Officers.

Section 1. Elective officers—for one year from the date of their instalment, and until their successors are qualified.

Section 2. All elections to fill vacancies shall be for the unexpired term of the office to be filled.

Article VII.—Publicity of the Proceedings of the Common Council.

Section 1. All the proceedings of the common council shall be recorded in proper journals and books kept for that purpose, and shall be open to the inspection of the public.

Article VIII.—The Mayor—His Duties and Salary.

Section 1. The mayor, when present at the session of the common council, shall be the presiding officer; he shall have the casting vote in case of a tie.

Sec. 2. The mayor shall have power to act in a judicial capacity, and alone, in all cases arising within the jurisdiction of the corporation, involving a breach of the peace, a violation of any penal ordinance of the common council, and a violation of any law in the criminal code of this State.

Sec. 3. In cases of a breach of the peace or in violation of a law in the criminal code of this State, the mayor shall have the same power as is conferred by law in a justice of the peace in relation to the same matter. In relation to a violation of penal ordinances passed by the common council, he shall have power to try the same, and, on conviction, to execute the penalty through the city marshal, sheriff, constable or policeman, in the mode and manner prescribed in the ordinance violated.

Sec. 4. The mayor as a judicial officer, on complaint made before him under oath, shall have power to issue writs of arrest and warrants for all violations of the ordinances of the corporation and for all violations of the criminal code of this State; and when such violations of ordinances and of the criminal code of the State are committed in his view, he shall have power to arrest without

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complaint being made, and without a writ of arrest or warrant. He shall also have power to issue subpoenas for witnesses.

Sec. 5. The mayor shall cause, as a judicial officer, the clerk to keep a record of all his (the mayor's) proceedings, and transmit the same to the common council on the termination of his office, and the same shall be kept as an archive of the corporation.

Sec. 6. The mayor shall at all times, by virtue of his office, see that the ordinances of the common council are executed; that all subordinate officers perform their duties, and as occasion may require report to said council as to delinquencies and misconduct of such officers. He shall also, from time to time, recommend to the council such measures for consideration as he may deem important.

Sec. 7. The mayor shall receive an annual salary, to be fixed as to the amount by the common council preceding his term of office. As a judicial officer, he shall receive the same fees as are or may be by law provided for a justice of the peace.

Article IX.—Finances.

Section 1. All property, real and personal, acquired by the corporation of the City of Bryan, whether by conveyance, donation, bequest, or by the imposition of taxes, fines or penalties, or the granting of license, or acquired from any other source or in any other manner, shall be held in trust by said corporation for the use and benefit of the same, and shall be appropriated for no other purpose.

Sec. 2. The funds of the corporation shall be used—

First—To sustain the municipal government.

Second—For such improvement in, and adornment of the city as shall be sanctioned by a majority of the members of the common council.

Sec. 3. The corporation shall not incur debts to exceed at any one time the sum of ten thousand dollars ($10.000). If the common council deem it advisable to incur debts exceeding that amount, they may specify the amount desired and submit the question to the legal voters within the corporate limits, and the same shall be sanctioned by a majority of the votes cast.

Article X.

Section 1. The mayor and aldermen shall have power and authority to pass ordinances regulating bawdy houses, houses of ill fame or of prostitution, to license the same or abate the same.

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Article XI.

Section 1. The qualified electors for State and county officers, who shall have resided three months next preceding an election within the corporate limits of the City of Bryan, shall be allowed to vote for all elective officers of the corporation.

Article XII.—General Provisions.

Section 1. Upon the passage of this act, the persons now filling the offices of the City of Bryan shall continue in office, subject to the provisions of an act entitled "An act to authorize the Governor of the State to fill vacancies," passed by the Twelfth Legislature.

Sec. 2. In all questions of conflict arising out of the terms used and provisions made in the general law under which the Town of Bryan was originally incorporated and the terms used and provisions made in this act, this act shall have the preference and govern.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved November 29, 1871.

CHAPTER CV.

An Act to incorporate the Lone Star Ferry Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. D. Johnson, Charles N. Eley. P. Trowbridge, R. T. Underhill, D. Creary and their associates and successors be and they are hereby created a body corporate and politic under the name and style of the Lone Star Ferry Company, and as such shall have the right to sue and be sued, plead and be impleaded, purchase, hold or dispose of any real or personal property, and make all contracts necessary to the carrying out of the purposes of this charter of incorporation.

Sec. 2. That the capital stock of said company shall be one hundred thousand dollars, which may be increased at any time by a vote of the majority of the stockholders. Said stock shall be divided into shares of one hundred dollars each, and in all elections by the company, each share shall represent one vote; provided, the owner of the share be present to vote, or said share is voted by a duly authorized agent.

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Sec. 3. That said company shall form a preliminary organization consisting of the above named incorporators, who shall be directors until permanent organization, and who shall elect out of their own number a president, secretary and treasurer, who shall be the temporary officers of the company until the permanent organization thereof; and whenever the sum of five thousand dollars of the capital stock has been taken, said president shall at once call a meeting of the stockholders, giving ten days personal notice or by publication for twenty days in some newspaper, published in the county, of the time and place of such meeting, when and where there shall be a permanent organization of the company by the election of a president, vice president, secretary and treasurer, and any other officers deemed necessary, including a board of five directors. The stockholders shall elect the directors, and the directors shall elect all other officers. The stockholders shall also adopt by-laws for the government of the company.

Sec. 4. That said company shall have the right to purchase and use ferry boats and establish ferries between any point or points on Galveston Island, including the east end of said island, and to and including ten miles west of said east end, and any point or points on the mainland between Bolivar Point and Virginia Point, and including said points, to connect said island with the mainland. And in order to encourage said company in the construction of safe and reliable boats and in keeping up a ferry or ferries in a good, substantial and safe manner, they are hereby granted the right to construct, own and run ferry boats for the convenience of passengers, live stock and freight at any point between the said east end and ten miles west thereof on said island, and from said Virginia to said Bolivar points on the mainland; provided, that the franchises herein granted shall not interfere with the navigation of the San Jacinto or Trinity rivers, or bayous navigable for steamboats.

Sec. 5. That the franchises herein granted shall vest for the period of fifty years, and shall in no respect be modified except by request of said company during that time. Said company shall have the right to purchase and own ferry landings and construct all necessary wharves and warehouses or depots requisite to the proper conduct of their business.

Sec. 6. That this act shall take effect and be in force from and after its passage, and be in force for fifty years.

Approved November 29, 1871.

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CHAPTER CVI.

An Act to amend the third section of An Act to incorporate the Galveston Bay Dredging Company, passed June 30, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the act entitled "An act to incorporate the Galveston Bay Dredging Company," passed June 30, 1870, be and the same is hereby amended so that it shall read in the following words, to-wit: "That the said company be and is hereby authorized and empowered to deepen and render suitable and convenient for navigation, by dredging or otherwise, the bar obstructing the mouth of or entrance to the Trinity river, which is commonly known as 'McManus' Pass.'"

Sec. 2. That this act take effect from and after its passage.

Approved November 29, 1871.

CHAPTER CVII.

An Act to incorporate the Indianola Dredging Company, as Herein specified.

Section 1. Be it enacted by the Legislature of the State of Texas, That Henry Seeligson, Jonathan Payne, August Heyck, F. E. Hughes and W. Westhoff, of the city of Indianola, and their associates and successors, be and they are hereby constituted and created a body corporate, by the name and style of the Indianola Dredging Company, and by said name shall have succession and a common seal, with capacity to make contracts; and in its said corporate name shall have the right to sue and be sued, to grant and receive, to buy, sell and convey any property, whether real, personal or mixed; to make by-laws for its general government, and the management of its business, and generally to do and perform all such acts and things, consistent with the Constitution of this State and of the United States, as may be necessary and proper for, or incidental to the fulfillment of its obligations, or the maintenance of its rights under this act; and the said above named corporators shall constitute a

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board of commissioners, for the time being, to organize said company, and a majority of said commissioners shall constitute a quorum to do business.

Sec. 2. The said company is hereby authorized to dredge a channel from the ships' anchorage in Matagorda bay across Powderhorn bayou bar, into Powderhorn bayou, to any distance in the rear of the city of Indianola that may be deemed necessary, as per plan of the said city, and so to construct the sides or banks of said channel, and secure them by driving piles and planking and curbing them, or by walling them with stone or other material, as may be necessary to secure the banks or sides of the channel from abrasion by the action of the tides; and further, to make said channel of such depth and width that any vessel drawing not more than eight feet of water can pass in and out with convenience and without delay. The said company shall not be allowed to make any portion of the channel more than one hundred and twenty-five feet wide, except at such places where it may be necessary to make it of greater width, to enable vessels entering th channel to turn around and pass out with dispatch; but said company shall have the right and privilege of making Powderhorn bayou of the uniform width of at least one hundred feet, and not more than one hundred and twenty-six feet, and of the depth of at least eight feet.

Sec. 3. That upon condition that said company shall make a channel of not less than eight feet deep and one hundred feet wide, and shall continue to maintain said uniform depth, with good and substatial embankments on both sides of said channel, from the ships' anchorage to the margin of ordinary low tide, then the said company may procure a lease, and have set apart to them by the corporate authorities of the city of Indianola, for the use of said company, sixty feet on each side of said channel, across the flats from the ships' anchorage in Matagorda bay aforesaid, to the margin of the water at ordinary low tide.

Sec. 4. The said company shall have the right to appropriate to their own use, so much of Powderhorn bayou as may be necessary to enable the company to dredge a channel of the width and depth hereinbefore provided, to the head or upper end of the contemplated harbor in the rear of the city, and for one or more basins of the same depth, and not less in width than two hundred feet, by paying to the owners or proprietors the reasonable cash value thereof, at the time the same shall be taken possession of by said company for such purpose.

Sec. 5. That if said company, and the owner or owners of any private property to be appropriated as authorized in this act, shall not be able to agree upon the price to be paid for said property,

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the owner or owners, their agent or attorney may apply to the judge of the district court in the district in which the said city of Indianola is situate, and it shall be the duty of the judge of said court so applied to, to appoint three disinterested freeholders, citizens of Calhoun county, and State of Texas, to assess the damage, and said freeholders being first duly sworn to assess the value of the property appropriated, and having given the parties due notice in writing of the time and place of meeting to appraise the value of the property and hear the testimony in the case, shall proceed, after full investigation, to make their award, and shall immediately return it to the court from which the order emanated, and said court, at its next term thereafter, shall pass upon the same as in ordinary cases of awards by arbitrators, and confirm or set aside the awardu, as the justice and equity of the case may require, and either party who may feel aggrieved by the award shall have the right to appeal therefrom as in other cases.

Sec. 6. That when the said company shall have completed the channel as authorized aforesaid, from the ships' anchorage into Powderhorn bayou and as far west as Main street, and in such a manner that vessels can enter through said channel, and land and discharge and receive cargoes, then the said company shall be authorized to demand and receive charges upon all goods, wares and merchandise of every description passing through said channel, said charges being established by the corporate authorities of the said city of Indianola; and the said company shall pay over, annually, to the city of Indianola, one-half of one per cent. on the gross earnings of said company, one-half of which amount shall go to the school fund of the State, and the residue to said city of Indianola; provided, that no vessel drawing three feet of water or less shall be subject to the above tariff or charges.

Sec. 7. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, with the privilege of increasing said capital stock to one hundred thousand dollars, to be divided into shares of one hundred dollars each, and each share shall entitle the owner thereof to one vote, in person or by proxy, at all elections held by stockholders.

Sec. 8. Said commissioners are hereby authorized to open books for subscription of stock, and whenever as many as one thousand shares of said stock are subscribed for, and five per cent. thereof paid in, then the said commissioners, or a majority of them, shall call a meeting of the stockholders, at which meeting said stockholders shall elect a board of directors of not less than five nor more than seven persons, who shall each be owner in his own right of at least fives shares of the capital stock of said company; said directors so

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elected shall choose one of their own number president, and said president and directors shall have authority to appoint a secretary and trasurer, and such other agents and employes as the interests of the corporation demand, and to take bonds with such good and sufficient security for the faithful performance of their duties as they may think just and proper.

Sec. 9. The office of said company shall be located in the city of Indianola, and all meetings of directors and stockholders for the transaction of business, shall be held in said city. After the first election of directors and choice of president as aforesaid, the said directors shall be elected, and president chosen annually, on the first Monday of May, as aforesaid; and if, from any cause, the election shall not be held on that day, it may be held as soon thereafter as practicable. Whenever the stockholders shall have elected directors, and said directors shall have chosen a president, and appointed a secretary and treasurer, then the said commissioners shall deliver the books of said company to the aforesaid president and directors, and shall also pay to the said treasurer all funds and amounts received, whether by subscription to stock, donation, or otherwise, for the use of said company, reserving a reasonable amount for their services for transacting the the business of the company.

Sec. 10. The directors shall have the power to call on the stockholders from time to time, for such amount or instalments of the stock held by them, as said directors shall deem expedient and proper for the interest of said company, and any stockholder who shall fail to pay the amount of the call, after notice of thirty days served on him in writing, shall forfeit his right to hold said stock, and the directors shall sell the same, after twenty days' advertisement in a newspaper published in said city. Should any stockholder desire to withdraw from said company, he or she may sell his or her stock, and have it transferred on the books of said company, and thereby be released from all responsibility as stockholders therein, for any losses the company may sustain, after the transfer shall have been made and recorded, and he or she shall be debarred from any benefits or profits thereafter. The stock or shares in said company shall be personal property, and transferable by assignment entered on the books of the company, and each stockholder shall be held liable only for his or her amount of stock owned therein.

Sec. 11. The directors shall call the stockholders together whenever the interest of the company require it. Said directors shall discharge their duties until their successors are elected and installed, and shall have power to fill vacancies that may occur by resignation or otherwise, from time to time, until the regular elec-

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tion to fill such vacancies. A majority of the stockholders shall concur in any proposition to dissolve the company before said proposition shall be acted on. The said company are authorized to transfer stock in said company in payment of dues thereof for work done or materials furnished to the company, for the advance-

Sec. 12. All the rights, powers and privileges granted in this act shall continue in force for twenty-five years from and after the passage thereor. The channels, canals and other works enumerated in this act shall be commenced within two years from the first day of July, A. D. 1871, and be completed within four years thereafter. There shall be nothing construed in this act, so as to grant banking privileges.

Sec. 13. This act shall be in force and take effect from and after its passage, and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved December 1, 1871.

CHAPTER CVIII.

An Act to incorporate the Marshall Salamander Fire Company Number One, of the City of Marshall, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. H. Van Hook, W. W. Hartsill, J. F. Naendell, J. F. Starr, Charles Henrick, J. B. Hubbard, G. W. Coit, and their associates and successors, be and they are hereby constituted a body corporate and politic, under the name and style of the Salamander Fire Company No. 1, of the city of Marshall, with power to sue and be sued, plead and be impleaded; to appear and prosecute to final judgment in any court of this State; to have a common seal, with such device as they may adopt; to elect, in whatever manner they may choose, the officers necessary to command them; to establish by-laws for their government and regulation of their affairs, not inconsistent with the Constitution and laws of this State, and the same to alter and amend at pleasure; and to hold real and personal property, and to dispose of the same; provided, that such real estate and personal property shall not at any time exceed twenty thousand dollars in value, and that said company shall ever exceed sixty men, rank and file.

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Sec. 2. That the active members of said company shall be exempt from jury service, except in felony cases, and from militia duty, except in times of insurrection, rebellion or war.

Sec. 3. That said company shall have power by their constitution and by-laws, to try all violations of their ordinances agreed upon by a majority of the members of said company; to expel, or fine, not exceeding ten dollars, those members violating the constitution and by-laws of said company.

Sec. 4. That this act take effect from and after its passage, and remain in force for the term of twenty-five years.

Approved December 1, 1871.

CHAPTER CIX.

An Act to amend An Act entitled An Act to incorporate the Island City Real Estate and Homestead Association, of Galveston.

Section 1. Be in enacted by the Legislature of the State of Texas, That the Island City Real Estate and Homestead Association is hereby created a Savings Bank and Trust Company, and, in addition to the powers granted by the act of incorporation, approved June 24, 1870, may have, enjoy and exercise all the powers necessary to carry out and execute all the purposes of a savings bank and trust company.

Sec. 2. The business and object of this corporation, under this amendment, shall be to receive, on deposit or in trust, such sum or sums of money as may, from time to time, be offered therefor by tradesmen, merchants, clerks, laborers, servants and others, to be repaid to such depositors, when required, at such times with such interest and under such regulations as the board of directors may from time to prescribe, which regulations shall be posted up in some conspicuous place in the business room of said corporation.

Sec. 3. This corporation may loan money according to the Constitution and laws of the State, upon such security, either real or personal, as the directors may deem sufficient. It may borrow money, buy and sell exchange, bullion, notes, stocks and other securities.

Sec. 4. The stockholders and depositors may, at any time, investigate the condition of the Association. And at the request of

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any three stockholders or depositors, in writing, the President shall appoint a committee of two stockholders and three depositors, whose duty it shall be to examine the assets and condition of said corporation, and publish their report upon said examination for the information of all concerned.

Sec. 5. The said corporation may issue certificates of deposit in such form as may be agreed upon by the board of directors. Such certificates are to be issued only at the request of a depositor, and shall be redeemed on presentation at the office of said corporation.

Sec. 6. When any deposit is made to said corporation by a minor, or by a female, being or hereafter becoming a married woman, the said corporation may pay such depositors any sums of money due to them, and their receipt or acquittance shall be a legal discharge to said corporation therefor.

Sec. 7. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice, and shall take effect on and after its passage.

Approved December 1, 1871.

CHAPTER CX.

An Act to incorporate the Library Building Association of Galveston.

Section 1. Be in enacted by the Legislature of the State of Texas, That the subscribers of the moneys heretofore paid in under the auspices of the Galveston Chamber of Commerce, in pursuance of an undertaking known as the Founders' Library Fund of the Galveston Mercantile Library, to-wit: F. A. Anderson, J. L. Anderson, E. L. Anderson, D. D. Atchison, E. T. Austin, W. P. Ballinger, W. T. Beers, C. S. Beissner, jr., J. Bernstein, L. Block, L. Blum, Geo. Bondies, C. E. Broussard, I. M. Brown, J. Buckley, H. Burns, Chs. Fowler, H. Frauenfeld, J. Fredrich, R. L. Flulton, R. F. George, T. Goggan, I. C. Gorham, L. Hill, A. M. Hobby, J. F. Huffinaster, W. F. Brittingham, Geo. Butler, F. N. Camp, I. H. F. Champman, R. Clark, J. P. Cole, A. C. Crawford, P. Dargan, J. Davidson, J. P. Davis, B. R. Davis, S. B. Davis, H. Duble, C. N. Eley, G. W. Emboy, I. Fock, J. Gottschalk, G. W. Grover, F. Half, J. W. Harris, J. P. Harrison, S. Heidenheimer, P. Hennessy, J. Sorley, J. Stancel, O. Steele, C. R.

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Hughes, R. J. Hughes, C. W. Hanley, T. H. Hutchings, T. M. Jack, G. B. Jewell, J. W. Jockusch, C. H. Jordan, T. M. Joseph, J. Kauffman, M. Kopperl, J. Reymerschoffer, J. S. Rhea, J. W. Rice, Chs. E. Richards, S. Rinker, J. D. Rogers, P. H. Rose, H. Rosenberg, J. B. Root, J. G. Rost, L. Schnierder, G. Sealy, J. S. Sellers, W. H. Sellers, D. C. Stone, H. J. Labbatt, J. W. Lang, N. O. Lanoe, T. J. League, C. B. Lee, R. Levy, F. R. Lubbock, A. P. Lufkin, T. D. Lufkin, A. T. Lynn, S. Maas, C. M. Mason, J. M. McDonald, A. C. McKeen, T. H. McMahan, J. H. Metcalf, W. L. Moody, C. H. Moore, A. Muckle, P. Neil, G. B. Nichols, N. Ortleib, V. B. Poole, E. Randall, J. M. Seymour, W. A. Shelton, I. C. Smith, H. Reyband, J. S. Trasher, J. S. Vedder, H. Range, T. Ratto, G. Ranger, E. Van Harten, C. Wynne, E. L. Wood, F. K. Sturgis, M. Strickland, W. Terry, R. M. Trevis, A. B. Tronell, T. Vogel, jr., Thos. Wagner, I. C. Wallis, W. Walker, R. S. Willis, J. Holstone, I. B. Woodyard, N. B. Yard, and those whom they may hereafter associate with them, be and they are hereby incorporated under the name and style of the Galveston Library Building Association, and they and their successors are constituted a body public and corporate, with power to purchase, hold, improve, sell and convey any estate, real, personal or mixed; to make contracts; to sue and be sued; to loan money, and otherwise invest their funds in such safe and judicious manner as the trustees hereinafter provided for, may determine; to borrow money upon pledges of their real estate; to make rules, regulations, by-laws and ordinances for the management, direction and control of said corporation, and to have, employ and exercise all the rights, power and privileges pertaining to corporate bodies, necessary for the object and purpose of this act, and not in contravention of the Constitution and laws of the State of Texas.

Sec. 2. The object of the Library Building Association is to provide a permanent, secure and spacious building for the deposit and safe keeping of the books, records, educational apparatus, art collections and other acquisitions of the library departments of the Galveston Chamber of Commerce.

Sec. 3. The officers of the association shall consist of seven trustees, of whom the President of the Galveston Chamber of Commerce shall be ex officio one, and six shall be annually elected from among the shareholders. The board of trustees shall have power to fill vacancies in their board during the term for which they were elected, and shall elect a president from among their own number, and such other officers as may hereafter be provided for in the by-laws, regulations and ordinances of the association.

Sec. 4. The capital stock of the association shall be fifty thou-

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sand dollars, divided into shares of one hundred dollars each, and may be increased to one hundred thousand dollars by a vote of two-thirds of the shareholders.

Sec. 5. The payment of two dollars a month made to the completion of the term of one year, on each subscription to the fund known as the Founders' Library Fund, shall be considered and passed respectively as assessments paid on one share of the capital stock of the Galveston Library Building Association; provided, that such benefit shall be claimed within six months after the approval of this act, and the claimant shall accept the same, and agree to pay such further assessments thereon as may hereafter be lawfully made.

Sec. 6. Each shareholder shall have one vote for each share owned, and may vote in person or by written proxy.

Sec. 7. The board of trustees shall have power to make all the by-laws, rules and regulations necessary for the management of the association, for laying the assessment upon the subscriptions to the capital stock, for obtaining new subscriptions of stock, and for prescribing the terms and manners of forfeiture and sale of shares for the non-payment of assessments, and such by-laws, rules and regulations, when adopted by a majority of the shareholders present at any regularly called meeting of the shareholders, shall be binding on all the members of the association.

Sec. 8. It shall be the duty of the President of the Galveston Chamber of Commerce to call a meeting of the subscribers to the Founders' Library Fund as soon as practicable after the passage and approval of this act, for the purpose of organizing under this act, and any member of said subscribers, not less than ten, assembling pursuant to such call, are hereby authorized to organize the Galveston Library Building Association by the election of a board of trustees to serve for one year, and until their successors be duly elected and installed; and to pass such ordinances as they may deem expedient for the good of the association.

Sec. 9. This act shall take effect from and after its passage.

Approved December 1, 1871.

CHAPTER CXI.

An Act to incorporate the Houston Turn Verein.

Section 1. Be it enacted by the Legislature of the State of Texas, That G. Loefler, F. W. Heitman, I. Veigth, L. Harde, L. Kossee, R. H. Cabanis, J. D. Usner, G. A. Meyer, E. A. Leon-

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hardt, P. R. Westen, F. A. Michel, their associates and successors, be and they are hereby constituted a body corporate and politic, for the promotion of morals, benevolence, the encouragement of gymnastic, musical and dramatic science, under the name and style of Houston Turn Verein, and by that name may buy, hold, enjoy, sell, convey and alienate property, real, personal and mixed; be capable of suing and being sued, of defending and being defended in any of the courts of this State; provided that the amount of property held by said association shall at no time exceed fifty thousand ($50,000) dollars; provided, further, that the said corporation shall not be liable to pay any occupation tax, either State, county or municipal.

Sec. 2. That said association shall have power to enact rules and regulations for its government, not inconsistent with the laws of this State and the United States of America, and to alter the same; and shall have a seal of authentication of its acts.

Sec. 3. That this act take effect from and after its passage, and remain in force thirty years.

Approved December 1, 1871.

CHAPTER CXII.

An Act to Amend an Act entitled an Act to Amend an Act incorporating the City of Jefferson, in Marion County, approved September 11, 1866, approved August 3, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, The municipal election in said city shall be held on the first Monday in May, 1872, and biennially thereafter, at which time there shall be elected by the qualified voters of said city, all officers to be elected at the general municipal election. Six days previous, public notice of said election shall be given by the recorder, by publication in one or more newspapers published in said city; and no special election shall be hereafter held in said city for the election of city officers, except as in this act provided.

Sec. 2. The municipal officers to be chosen at the biennial election, shall enter upon the duties of their respective offices on the second Monday of May, succeeding their election.

Sec. 3. The mayor and aldermen shall be elected by the people,

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and shall hold their respective offices for the term of two years, and until their successors shall be elected and qualified. The person having the highest number of votes cast in the whole city for either of such offices, shall be declared elected.

Sec. 4. Whenever there shall fail to be an election of any officer voted for by the people, in consequence of two or more candidates receiving the highest, and an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the board of aldermen, and the result shall be entered upon their proceedings.

Sec. 5. The judges of election shall be appointed biennially by the mayor, at least ten days before the biennial municipal election.

Sec. 6. All city employes shall be appointed annually by the mayor, and shall be removable at the pleasure of the mayor or board of aldermen.

Sec. 7. All officers mentioned in this act, and not elected at the municipal election, shall be appointed by the mayor, by and with the advice and consent of the board of aldermen, biennially, on or before the second Monday of May, or as soon thereafter as may be, and shall, respectively, continue in office two years from the said second Monday of May, and until the appointment and qualification of their successors; officers elected or appointed to fill vacancies, shall, respectively, hold for the unexpired term only, and until the election or appointment and qualification of their successors.

Sec. 8. Every person appointed to any office by the mayor, with the advice and consent of the board of aldermen, and every person elected to any office by the people, for whose removal from office no other provision has been specially provided by this act, may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected. But no officer shall be removed except for cause, nor unless furnished with the charges and heard in his defense, and the common council shall have power to compel the attendance of witnesses, and the production of papers when necessary for the purposes of such trial, and shall proceed within ten days to hear and determine upon the merits of the case, and if such officer neglect to appear and answer to such charges, then the board of aldermen may declare the office vacant; and any officer may be suspended until the disposition of charges, when preferred.

Sec. 9. When any vacancy shall happen by death, resignation, removal or otherwise in the office of mayor, such vacancy shall be filled by a new election, and the board of aldermen shall order a new election within ten days after the happening of such vacancy; provided, more than six months of the term shall then remain un-

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expired. Any vacancy occasioned by the death, removal, resignation or refusal to serve, appointed by the mayor, with the advice and consent of the board of aldermen, may be filled by appointment by the mayor, with the advice and consent of the board of aldermen.

Sec. 10. All city officers who are required by the provisions of this act, or by any legal ordinance passed by the board of aldermen, to give bonds for the faithful performance of their official duty, shall file their bonds with the city clerk, within fifteen days after their election or appointment, and he shall record the same, when approved, in a book kept for that purpose. When bonds are not filed with the city clerk, within fifteen days after the votes shall have been officially canvassed, or after the appointment shall have been made, the person so in default shall be deemed to have refused said office, and the same shall be filled by appointment as in other cases. If in any cases any official bond so filed shall not be approved, the officer filing the same shall furnish a new and satisfactory bond within fifteen days after such disapproval, and in case of failing so to do, he shall be deemed to have refused such office, and the same shall be filled as above provided. No alderman or other city officer shall be taken as security upon any bond, note or other obligation made to the city. No city officer, required to give bond as aforesaid, shall enter upon the discharge of the duties of his office until such bond shall have been filed and approved, as by this act provided.

Sec. 11. The manner of voting and conducting at elections to be held under this act, and contesting the same; the keeping of the poll list, canvassing of the votes, and certifying the returns, shall be the same, as nearly as may be, as is now, or may hereafter be provided by law, at general State elections; provided, the board of aldermen shall have power to regulate elections. The voting shall be by ballot, and the judges of election shall take the same oath, and shall have the same power and authority as judges of general elections. The polls shall be opened by the judges at 8 o'clock in the morning, and kept open until 7 o'clock in the evening, and every violation of this provision shall subject the inpectors so offending to a penalty of one hundred dollars. After the closing of the polls, the ballots shall be counted in the manner required by law, and the returns shall be returned, sealed, to the city clerk, within three days after the election, and thereupon the board of Aldermen shall meet and canvass the same, and declare the result of the election. It shall be the duty of the clerk to notify all persons elected or appointed to office of their election or appointment, and unless such person shall respectfully qualify within fifteen days thereafter, the offices shall become vacant.

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Sec. 12. The corporate limits of said city shall be one mile in every direction from the intersection of Broadway and Line streets, in said city.

Powers and Duties of Officers.

Section 1. Every person chosen or appointed to an executive, judicial, or administrative office under this act shall, before he enters on the duties of his office, take and subscribe the oath of office prescribed in the Constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the city clerk.

Sec. 2. The mayor shall preside over the meetings of the board of aldermen, and take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the board of aldermen such information and recommend such measures as he may deem advantageous to the city. He shall have a salary, twenty-five hundred dollars, per annum in full compensation of all official services devolved upon him by this or any subsequent act.

Sec. 3. Every act, ordinance or resolution passed by the board of aldermen, before it shall take effect, and within five days after its passage, shall be presented, duly certified by the city clerk, to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, in writing, to the city clerk; and the clerk shall submit said objections to the board of aldermen at their next regular meeting, who shall enter said objections upon their records, and proceed to reconsider the matter; and if, after such reconsideration, two-thirds of all the members elected shall agree to pass the same, it shall take effect as an act or law of the corporation. If the mayor shall not return any act, ordinance or resolution so presented to him within five days, it shall take effect in the same manner as if he had signed it.

Sec. 4. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of absence or sickness, the board of aldermen shall appoint by ballot one of their number to preside over their meetings, whose official designation shall be acting mayor; and the alderman so appointed shall be vested with all the powers and perform all the duties of the mayor until the mayor shall resume his office, or the vacancy be filled by a new election.

Sec. 5. The members of the board of aldermen shall be fire wardens and conservators of the peace, and shall be exempted from jury duty during their term of office.

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Sec. 6. The clerk shall keep the corporate seal and make a record of the proceedings of the board of aldermen, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of aldermen, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall also have power to administer any oath authorized to be taken by the laws of the State.

Sec. 7. The city physician shall attend and administer to all sick persons confined in any police station house or other city prison, and shall attend to such other duties as may be prescribed by the board of health or board of aldermen.

Sec. 8. The board of aldermen shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specially mentioned, and fix their compensation. They may also require bonds to be given to the city of Jefferson by all officers, for the faithful performance of their duties.

Sec. 9. The recorder, treasurer and collector shall severally, before they enter on the duties of their respective offices, execute a bond to the City of Jefferson in such sum and with such securities as the board of aldermen shall approve, that they shall faithfully execute the duties of their offices, and account for and pay over all moneys and other property received by them, which bonds, with the approval of the board of aldermen certified thereon by the clerk, shall be filed with the clerk.

Sec. 10. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to the successor in office all property, papers and effects of every description in his possession belonging to said city or appertaining to the office he held, he shall fofeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor shall and may recover possession of the books, papers and property appertaining to his office in the manner prescribed by the laws of the State.

Sec. 11. All persons elected or appointed to any office under this act, may be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the board of aldermen and clerk. The municipal government of the city shall consist of a board of aldermen, composed of the mayor and three aldermen from each ward. The other officers of the corporation shall be as follows, viz.: A city clerk, a city engineer, a superintendent of streets, an assessor of taxes who shall be ex officio treasurer, a recorder who

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shall be ex officio collector of taxes, a city attorney, a city physician, one chief and one first and one second assistant engineers of the fire department, a board of public works, a police justice, one chief of police, lieutenant of police, a sergeant of police, and as many policemen, measurers, inspectors, weighers, gaugers, keepers of bridewell and such other officers and agents as may be required or the board of aldermen may from time to time direct.

Powers and Duties of Board of Aldermen.

The mayor and board of aldermen shall have, subject to the provisions hereinafter contained, the general management and control of finances, and all the property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city by ordinance:

First—To remove and prevent all obstructions in the waters which are public highways in said city, and to widen, straighten and deepen the same.

Second—To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Third—To regulate the selling or giving away of any ardent spirits, by any shop keeper, trader, or grocer, to be drank in any shop, store or grocery, out house, yard, garden, or other place within the city.

Fourth—To forbid the selling or giving away of ardent spirits, or other intoxicating liquors, to any minor.

Fifth—To license, regulate, and restrain tavern keepers, grocers, and keepers of ordinaries, or victualing, or other houses or places for selling, or giving away wines, and other liquors, whether ardent, vinous or fermented.

Sixth—To license, tax, regulate, suppress, and prohibit billiard tables, pin alleys, nine or ten pin alleys, and ball alleys.

Seventh—To license, regulate, and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, and all others, whether in the permanent employment of any individual, firm or corporation, or otherwise, who may pursue like occupation with or without vehicles, and prescribe them compensation.

Eighth—To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and all keepers or proprietors of junk shops, and places for the sale or purchase of second hand goods, wares or merchandises.

Ninth—To license,tax, regulate and suppress hawkers and peddlers.

Tenth—To regulate, license, suppress and prohibit all exhibitions

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of common showmen, shows of every kind, concerts, or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Eleventh—To authorize the mayor or other proper officers of the city to grant and issue licenses, and direct the manner of assessing and registering thereof, and the fees to be paid therefor.

Twelfth—To prevent any riot or noise, disturbance or disorderly assemblage.

Thirteenth—To suppress and restrain disorderly houses and groceries, and houses of ill fame, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

Fourteenth—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

Fifteenth—To direct the location and management of, and regulate and license breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate and prohibit within the city distilleries, slaughtering establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Sixteenth—To establish and regulate markets and other public buildings, and provide for their erection, and determine their location.

Seventeenth—To regulate and license or prohibit butchers, and to revoke their licenses for malconduct in the course of trade, and to regulate, license and restrain the sale of fresh meats, and vegetables in the city, and restrain and punish the forestalling of poultry, fruit and eggs.

Eighteenth—To direct and prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials within the city.

Nineteenth—To regulate the keeping and conveying of gunpowder and other combustibles and dangerous materials, and the use of candles and lights in barns, stables and out houses.

Twentieth—To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving as aforesaid to be stopped by any person; and punish or pro-

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hibit the abuse of animals; to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the street.

Twenty-first—To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wheelbarrows, boxes, lumber, timber, pine wood, awnings, signs, or any substance or material whatever.

Twenty-second—To regulate and determine the time and places of bathing and swimming in the bayou, and to prevent any obscene or indecent exhibition, exposure or conduct.

Twenty-third—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Twenty-fourth—To restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penatly incurred and the cost of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

Twenty-fifth—To prevent and regulate the running at large of dogs; to tax, and to authorize the destruction of the same when at large, contrary to the ordinance.

Twenty-sixth—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Twenty-seventh—To make regulations to prevent the introduction or spread of contagious diseases into the city; to make quarantine laws and enforce the same within the city, and not to exceed fifteen miles beyond the city bounds.

Twenty-eighth—To control and regulate the streets and alleys, and to remove and abate any obstructions and encroachments therein.

Twenty-ninth—To compel all persons to keep the snow, ice and dirt from the sidewalks, in front of the premises owned or occupied by them.

Thirtieth—To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices, tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusements or otherwise.

Thirty-first—To abate and remove nuisances, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and

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remove nuisances in the street or any other parts of said city, or within its jurisdiction, by indictment or otherwise.

Thirty-second—To license, regulate and restrain runners for boats and stages, cars and public houses.

Thirty-third—To regulate the burial of the dead, and registration of births and deaths; to direct the retaining and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

Thirty-fourth—To regulate and prohibit the keeping of any lumber yard, and the placing, piling and selling lumber, timber and other combustible material within the fire limits of said city.

Thirty-fifth—To regulate the inspection of flour, meal, pork, beef, and other provisions and salt to be sold in barrels, hogsheads and other packages.

Thirty-sixth—To regulate the inspection of whisky and other liquors to be sold in barrels, hogsheads and other vessels.

Thirty-seventh—To appoint inspectors, weighers, gaugers, and regulate their duties, prescribe their fees.

Thirty-eighth—To regulate the sale of bread within said city, and prescribe the weight of bread in the loaf and the quality of the same.

Thirty-ninth—To regulate public pumps, wells and cisterns, hydrants and reservoirs, and to prevent the unnecessary waste of water.

Fortieth—To regulate and establish public grounds.

Forty-first—To erect lamps and regulate the lighting thereof.

Forty-second—To regulate and license ferries.

Forty-third—To regulate and prohibit the use of locomotive engines within the city, and require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracks, and to require railroad companies to construct at their own expense such bridges, tunnels or other conveniences at public railroad crossings as the council may deem necessary; also, to regulate the running of horse railway cars, the laying down of railroad tracks for the same, the transportation of passengers thereon and the kind of rail to be used.

Forty-fourth — To erect and establish either without and without the corporate limits of the city a bridewell or house of correction, and purchase ground therefor, pass all necessary ordinances for the regulation thereof, and appoint a keeper and as many assistants as may be necessary. In the said bridewell or house of correction shall be confined all vagrants, stragglers, idle or disorderly persons who may be committed thereto by any criminal court or magistrate in and for the city for any assault and battery, petty theft or other misdemean-

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or punishable by imprisonment in any county jail; and all persons confined therein may be kept at labor or in solitary confinement.

Forty-fifth—To require any merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and be subject to his inspection, the standard of which weights and measures shall be conformable to those now established by law.

Forty-sixth—Exclusively to erect and construct, or permit, or cause or procure to be erected and constructed float, pivot or draw, or other bridges over the navigable waters within the jurisdiction of said city, and keep the same in repair. Said bridges to have drawers of suitable with.

Forty-seventh—To control, regulate, repair, amend and clear the streets and alleys, bridges, sidewalks, and open, widen, straighten and vacate streets and alleys, and establish and alter the grade thereof and prevent the encumbering of the streets in any manner, and protect the same from any encroachments and injury.

Forty-eighth—To direct and regulate the planting and preserving ornamental trees on the streets and public grounds.

Forty-ninth—To fill up, drain and clean, change, alter, relay, repair and regulate any grounds, yards, lawns, slips, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expense to be collected in the manner hereinafter provided.

Fiftieth—To erect and establish one or more pest houses, hospitals or dispensaries, and control and regulate the same.

Fifty-first—To abate all nuisances which are or may be injurious to public health, in any manner they may deem expedient.

Fifty-second—To do all acts, and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Fifty-third—To prevent any person from bringing, disposing, or having within the limits of said city, any dead carcasses, or any other unwholesome substnce, and require the removal or destruction, by any person who shall have placed, or caused to be placed, upon or near his premises any such substance, or any putrid or unsound beef, pork or hides, fish or skins, of any kind; and on his default to authorize the removal or destruction thereof by some officer of the city.

Fifty-fourth—To authorize the arrest fine and imprisonment in the city bridewell, or house of correction, as vagrants, of all persons who, not having visible means to maintain themselves on without employment.

Sec. 55. The board of aldermen are hereby authorized to pur-

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chase for said city such tracts of land within or without the city limits, for the purpose of establishing cemeteries for the interment of the dead therein, as they may think necessary, which shall be exempt from taxation under any law of this State; and they are also authorized and empowered to passand enforce such ordinances, rules and regulations with regard to the improvement, preservation, laying out and ornamenting the same, and the sale of burial places or lots for the interment of the dead therein, as they may deem proper. The ground or grounds so laid out shall be placed under the superintendence of the board of public works of said city, and the lots which may be laid out and sold shall, with the appurtenances, forever be exempt from execution and attachment. As soon as said grounds are regulated and laid out, a map or plot thereof shall be made out by the board of public works, and a copy thereof placed in the city clerk's office, who shall have sale and disposition of all the lots therein, under the ordinances and regulations of the board of aldermen. The proceeds of such sales shall be paid into the city treasury. The said board of aldermen is also fully empowered and authorized to provide for the punishment by ordinance of all persons who shall, without said city limits, be guilty of any violation of the regulations, rules and ordinances established by said city in relation to such cemeteries; and such violations may be punished by fine and imprisonment, as in other cases, by any court of competent jurisdiction within said city; and all process issued for the arrest of any person or persons guilty of such violation, may be executed without said city limits by any officer or constable thereof, the same as if such offense had been committed within the boundaries of the corporation.

The Board of Public Works.

Section 1. There is hereby established an executive department of the municipal government of said city, to be known as the Board of Public Works, to consist of the mayor, who shall be a member of the board ex officio, and three commissioners, to be chosen by the board of aldermen.

Sec. 2. Said board shall appoint a secretary, and some competent and scientific person as civil engineer to said board, who shall be styled the city engineer. The officers so appointed shall be removable at any time at the pleasure of the board of public works.

Sec. 3. It shall be the duty of the city engineer to perform all the civil engineering required by the board of public works in the prosecution of all public improvements committed to their charge.

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and to do such other surveying as may be directed by the board of aldermen. He shall receive for his services such annual salary as the board of aldermen may direct. He shall possess the same powers in making surveys and plots within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plots and surveys made by such engineer as are or may be given by law to the acts, plots and surveys of county surveyors.

Sec. 4. In all cases when lands in said city are hereafter subdivided and laid out into blocks or lots, sub-lots streets and alleys or new streets or public grounds, and donated or granted to the public by any proprietor, in order to secure a uniform plan in the laying out of such streets and alleys, the map or plot thereof shall be submitted to the board of public works for their approval. If they approve the same, they shall certify upon it their approval, and no such map or plot shall be entitled to record or have any validity until so approved by said board and confirmed by the board of aldermen.

Sec. 5. A majority of said board shall constitute a quorum to do business. They shall keep a record of all their acts and doings, and shall keep and preserve copies of all contracts, estimates, receipts, plans, profiles and the papers of the board and shall report their acts and doings in detail to the board of aldermen on or before the 10th day of April in each year, and oftener when required so to do by the board of aldermen. Each of said commissioners shall have power to administer any oath authorized to be taken by the laws of this State.

Sec. 6. The said board shall have the exclusive privilege to grant permits according to the ordinances of the city for the moving of houses through the streets of the city and the raising of buildings and sidewalks, and to regulate the building or placing of vaults under the streets, alleys and sidewalks, and require such compensation for the privilege as they shall deem reasonable and just, subject to the approval of the board of aldermen; also, to regulate all open spaces for basement stores and the use of the public streets in any legal and proper manner, except for railroad tracks; and no building material or obstruction of any kind shall be placed in the public streets, alleys or on the public grounds without the written permit of said board. Said board shall have full power to regulate and control the manner of using the streets, alleys, highways and public places of the city for the laying down of gas and water pipes and sewers and determine the location thereof, and to cause the prompt repair of the streets, alleys, highways and public places whenever the same may be taken up or allowed, and they are hereby authorized

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and empowered to charge and collect by suit or otherwise in the name of the City of Jefferson the expense of such repairs, and from the person or persons by whom such street, alley, highway or public ground may have been taken up or altered.

Sec. 7. The said board shall have the exclusive privilege of granting permits for the erection of wooden buildings within the fire limits of said city, subject to such general regulations as the board of aldermen may by ordinance prescribe, and for all permits of every kind which said board is authorized to grant, it may make such reasonable charge as it may deem proper, or as the board of aldermen may by ordinance direct.

Sec. 8. Whenever any public improvement shall be ordered by the board of aldermen of said city, and the assessment for the same (when the same is to be paid for by special assessment) shall have been confirmed, and one half of such special assessment shall have been paid into the city treasury, the said board of public works shall advertise for proposals for doing said work. A plan or profile of said works to be done, accompanied with specifications for the doing of the same being first placed on file in the office of said board; which said plan, profile and specifications shall at all times be open for public inspection, which advertisement shall be continued for at least ten days in the corporation newspaper, and shall state the work to be done. The bids for the doing of such work shall be sealed bids directed to said board, and shall be accompanied with a bond to the city in the sum of two hundred dollars, signed by the bidder and two responsible sureties, conditioned, that he shall execute the work for the price mentioned in his bid, and according to the plans and specifications, in case the contract shall be awarded to him; and in case of default on his part to execute a contract and perform the work, said bond may be sued and judgment recovered thereon by the city for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened at the hour and place mentioned in said notice.

Sec. 9. All contracts shall be awarded by said board to the lowest reliable and responsible bidder or bidders who shall have complied with the above requisition, and who will sufficiently guarantee, to the satisfaction of said board, the performance of said work, under the superintendence and to the satisfaction of said board; provided, that the contract price does not exceed the estimate, or such other sum as shall be satisfactory to said board, copies of which contracts shall be filed in the office of the mayor of said city.

Sec. 10. The board of public works shall reserve the right, in their said contract to finally decide all questions arising as to the proper performance of said work, and in case of improper construction, to sus-

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pend said work at any time, and re-let the same to order the entire reconstruction of said work, if improperly done; or re-let the same to some more capable and faithful contractor or contractors with power hereby given to said board to adjust the difference of damages or price (if any there be) which the contractor or contractors, failing to properly construct said work, in such cases of default should, in their opinion, pay to the city according to the just and reasonable interpretation of said contract, which difference, in balance, shall be recoverable at law, in the name of said city, before any court having competent jurisdiction thereof, against such contractor or contractors. In all cases, when the contractor or contractors shall proceed to properly perform and complete their said contracts, said board may, in their discretion from time to time, as the work progresses, grant to said contractor or contractors an estimate of the amount already earned, reserving fifteen per centum therefrom, which shall entitle the holder or holders to receive the amount that may be due thereon, when the money applicable to the payment of such work shall have been collected, and the conditions annexed to such estimate, if any, shall have been satisfied. Any person taking any contracts with the city, and who agree to be paid from special assessments, shall have no claim or lien upon the city, in any event, except from the collections of the special assessment made for the work contracted for, and no work, to be paid for by a special assessment, shall be let, except to a contractor or contractors who will so agree.

Sec. 11. In case the prosecution of any public work should be suspended in consequence of the default of any contractor, or in case the bids for doing any such work should be deemed excessive, or the persons making proposals not responsible or proper persons to be entrusted with its performance, the board of public works may with the written approval of the mayor, when the urgency of the case and the interests of the city require, employ workmen to perform or complete any improvement ordered by the board of aldermen; provided, that the cost and expenses thereof shall in no case exceed the amount assessed or sum appropriated for completing the same.

Sec. 12. All supplies of materials or necessaries of any kind, not exceeding in amount the sum of five hundred dollars, shall be purchased by said board of public works, when practicable, by contract with the lowest responsible bidder, as is provided for the making of contracts for the doing of work.

Sec. 13. All contracts entered into by said board of public works, and all bonds taken by them, shall be entered into in the named in the city of Jefferson.

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Sec. 14. No member of the board of public works, nor officer, nor clerk in their employ, shall be interested, directly or indirectly, in any contract made and entered into by said board of public works, for any work or for any materials to be furnished therefor; and all contracts made with said board, in which any member or officer of said board shall be so interested, shall, at the option of the city, be declared utterly void, and of no binding effect whatever; and any member or officer of said board interested in any contract, shall thereby forfeit his office and be removed therefrom on proof of such delinquency, and it is hereby made the duty of each member of such board of public works, and of the mayor, and of every officer of said city, to report to the board of aldermen any such delinquency when discovered.

Sec. 15. The board of public works shall have the exclusive charge and superintendence of the sewerage and water works of said city, and shall receive and collect all water rents, water taxes or assessments, and sewerage permits and licenses, and they shall report to the city treasurer all such moneys so received by them and in each week, and at the same time pay over to said city treasurer all such moneys, with a statement of the same to which account the same belong, and shall receive his receipt for all moneys so paid over.

Sec. 16. The board of public works shall, on or before the first day of May in each year, submit a statement to the recorder, to be by him laid before the board of aldermen with his annual estimate of the repairs and improvements, to be paid out of the general fund of the city and necessary to be undertaken by said city during the current year, and of the sums by said board of public works required to make such repairs and improvements, as near as the same can be estimated, which report shall be in detail, and such estimate having been revised by the board of aldermen, the aggregate amount of the sums required after such revision shall be provided for in the general tax levy to be laid in said city.

Sec. 17. The commission of the board of public works shall be sworn the same as other officers to the faithful discharge of the duties of their office, and no person hereafter elected shall act as a commissioner of said board until, in addition to the oath required of all city officers, he shall swear that he is then, and for the year immediately preceding has been, a resident freeholder in the division of the city from which he was elected; which oath shall be filed in the clerk's office.

Sec. 18. No member or officer of said board or other officer of said city, and no member of the board of aldermen, shall either directly or indirectly receive any interest or profit whatever on ac-

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count of the deposit of any funds belonging to the city, nor shall any member or officer of said board or officer of said city, or any member of the board of aldermen, either directly or indirectly, make use of or borrow of said funds for his own private benefit or advantage.

Sec. 19. It shall be the duty of the said board to keep books of accounts, showing with entire accuracy the receipts and expenditures of the board, in such manner as to enable the same to be readily understood and investigated, and also to preserve on file in their office duplicate vouchers for their expenditures, which books and duplicates shall at all times be open to the examination of the mayor of said city or to the finance committee of the board of aldermen of said city, or to any other committee appointed by the board of aldermen.

Public Improvements.

The city council shall have power from time to time:

First—To lay out public streets, alleys, lanes and highways, and to make wharves and slips at the end of the streets, and extend, alter, remove, contract, straighten and discontinue the same, and to purchase and lay out public parks, squares and grounds.

Second—To cause any street, alley, lane or highway to be filled, graded, leveled, paved, curbed, walled, graveled macadamized or planked and keep the same in repair.

Third—To widen, deepen or dredge out the cypress Bayou or any part or parts of the same.

Fourth—To cause cross and sidewalks, area walls, lamp posts and private drains to be constructed and laid, relaid, erected, cleansed and repaired.

Fifth—To fill, grade, improve, protect and ornament any public square now or hereafter laid out.

Sec. 2. Whenever any order is passed by the board of aldermen, by virtue hereof, for the filling, grading, leveling, paving, curbing, walling, graveling, macadamizing planking or repaving of any street, lane, alley or highway, the commissioner of the board of public works shall forthwith proceed to assess the amount on the real estate fronting on or abutting on the contemplated improvements, said assessment shall be made in said manner, as nearly as may be, that each separate block, lot, sub-lot, piece of parcel of land on either side of the street, or part of street to be improved shall sustain the costs and expenses of making or completing the improvement upon that half of the street directly adjacent to or in front of the same.

Sec. 3. When, in any case, any portion of the costs and ex-

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penses of making any improvements mentioned in the foregoing section, shall, by virtue of any valid law or ordinance of the corporation, or by virtue of any valid contract, be chargable upon any railway company, the amount so chargable may be assessed upon said railway company, and the balance only upon the real estate fronting or abutting on such improvements; and the city may collect the amount so assessed upon the said railway company by distress and sale of personal property, as in other cases, or by suit brought for that purpose; provided, that any real estate belonging to such railway company, and fronting or abuting upon the said improvement shall be assessed as in other cases.

Sec. 3. Before proceeding to make an assessment for any improvement mentioned on the preceding sections, said commissioners shall be sworn as in other cases, and shall give six days notice, by publication in the corporation newspapers, of the time and place of the meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for and the amount to be assessed. All persons interested in any such assessment shall have the right to be present and be heard either in person or by counsel, and the commissioners may in their discretion receive any legal evidence, and may adjourn if necessary from time to time.

Sec. 4. When the commissioners shall have completed their assessment, they shall sign and return the same in like manner and give like notice of the application to the board of aldermen for confirmation. When confirmed by the board of aldermen, said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said commissioners shall proceed to make a new assessment, and shall return the same in like manner and give like notices as herein required in relation to the first.

Sec. 5. All owners or occupants of real estate in front of, adjacent to or upon whose premises the board of aldermen shall order or direct any sidewalk or private drain to be constructed, shall construct such sidewalk or private drain at their own cost and charges in the manner prescribed by said board of aldermen, and within such reasonable time, not exceeding twenty days, as the board of public works shall direct, of which time notice shall be given to such owner or occupant by personal service or leaving the same at his usual place of business or abode or by three days publication in the corporation newspapers. If the work be not done in the manner and within the time prescribed, the commissioners of the board of public works shall forthwith proceed to assess the amount necessary to be

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assessed therefor, together with all costs, upon the real estate aforesaid, which assessment shall be made and returned, and may be confirmed and collected in the same manner as in the case of filling grading or paving streets, and when confirmed, shall have the same force and effect like powers, rights and duties being hereby confirmed and imposed upon the

Sec. 6. For any neglect or refusal to comply with any order of the board of aldermen in the preceding section referred to, the said board of aldermen may impose by ordinance such penalties upon the owners or occupants aforesaid, not exceeding twenty dollars for each days neglect as to the board of aldermen shall seem proper.

Sec. 7. Upon the passage of any order in the two preceding sections referred to, the board of public works may, in their descretion, in case the said owners or occupants should fail to comply therewith, cause said improvements to be made and paid out of any money in the treasury, at their disposal, and afterwards cause the expense thereof, together with all costs to be reimbursed by a special assessment to be levied and collected as in other cases, or the same may be recovered by suit from such owners or occupants, as for money paid and laid out for his use, and at his request.

Sec. 8. When in any case it shall be deemed necessary by the board of public works to cause any sidewalks to be raised, lowered, repaired, or cleaned, it shall be lawful for said board to require the owner or occupants of the premises, in front of, adjacent to, or upon which said improvement is to be made, to make the same forthwith, or within such reasonable time as the board of public works may prescribe, either upon written or verbal notice to that effect; and in case of neglect or refusal to comply with such requirements, as well as in all cases where the owner or occupants cannot be found, the board of works may cause the work to be done, and paid for out of any moneys in the treasury at their disposal. Same board shall then report to the board of aldermen the amount of said expenditures, giving a description of the lots or premises liable therefor, and the amount for which each is chargeable. The board of aldermen shall thereupon assess the said expenses by an order, ordinance or resolution upon such lots respectively, and the same may be collected by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises for recovery of such expenses as for money paid and laid out for his use and at his request. The board of aldermen may, also, by ordinance, impose such penalties upon the owner or occupants aforesaid for any neglect or refusal to comply with the aforesaid requirements, not exceeding twenty dollars for each days' neglect, as to the said board of aldermen shall seem proper.

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Sec. 9. Nothing in the preceding sections contained shall be construed to relieve the owners or occupants of real estate from the duty of keeping the sidewalks in front of or adjacent to their premises at all times in a safe condition and in a good and thorough state of repair; but such duty is hereby expressly enjoined and imposed upon all owners and occupants; and if at any time any injury shall be sustained by any individual, or the city shall be subjected to any damages in consequence of any defect in any sidewalk, or its being out of repair, the owner and occupants of the adjacent premises, whose duty it is to make the repairs, shall be jointly and severally liable therefor, and the same may be recovered by suit in any court of general jurisdiction. If the owner be a non-resident, proceedings may be commenced against the property by attachment, as in other cases of attachment under the laws of the State.

Erection of Lamp Posts.

Sec. 10. Whenever any order is passed by the board of aldermen by virtue hereof, for the erection of lamp posts upon any of the streets in said city, the commissioners of the board of public works shall forthwith proceed to assess the amount directed by the board of aldermen to be assessed therefor upon the several lots, pieces and parcels of land fronting or abutting on the street or part of street along which said posts are to be erected, said assessment shall be made in such manner, as nearly as may be, that each separate lot, piece or parcel of land on either side of said street, for the whole distance proposed to be lighted, shall sustain its fair, proportionate share of the expenses according to the number of lineal feet of each separate lot or parcel on such street, which assessment shall be made and returned, and may be confirmed and collected in the same manner as in the case of jetting, grading or paving streets; and when confirmed shall have the same force and effect, like powers, rights and duties being hereby confined and imposed upon the said commissioners and board of aldermen, and all parties instructed in both cases.

General Provisions.

Sec. 12. In all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought to bear and pay every charge or assessment made for the expense of any public improvement. When any such charge or assessment shall be made upon or paid by any

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person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest; or he may retain and deduct the same from any rent due or to become due to such person. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of such assessment.

Sec. 13. When any known owner, residing in said city or elsewhere, shall be an infant, and any proceeding had under this act shall render it necessary, the District Court of the county of Marion, the judge thereof, or any judge of any court of general jurisdiction in said city, may, upon the application of the board of public works, or such infant or his next friend, appoint a guardian for such infant, taking security for such guardian for the faithful execution of such trust, and all personal notices and summons required by this act may be served on such guardian.

Sec. 14. No suit of certiorari shall be allowed in the case of any special assessment proceedings commenced under the provisions of this act, unless applied for within thirty days after the confirmation of the assessment, and not then at the suit of any party who has neglected to file his objections to such confirmations as hereinbefore provided, unless the party applying for the suit shall satisfy the court by legal and satisfactory evidence, other than his own oath, that he has a sufficient legal excuse for such omission or neglect.

Sec. 15. If in any case the first assessment prove insufficient, the board of public works shall make a second in the same manner, and so on, until sufficient moneys shall have been realized to pay for such public improvements. If at any time too large a sum shall be raised, the excess shall be refunded, rateable, to those whom it was paid.

Sec. 16. If from any cause the city shall fail to collect the whole or any portion of any special assessment which may be hereafter levied, and which shall not be canceled and set aside by the order of any court upon certiorari or appeal for any public improvement required to be paid for by special assessment, the board of aldermen may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment, which assessment shall be made, as near as may be in the same manner as is herein prescribed for the first assessment. In all cases when partial payments shall have been made on such former assessments they

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shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessments prove ineffectual, either in whole or in part, the board of aldermen may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such re-assessment that the property may have changed hands or been encumbered subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expenses of all public improvements to be paid for by a special assessment a charge upon the property assessed therefor for the full period of five years from the confirmation of the original assessment, and for such longer period as may be required, to collect in due course of law any new assessment ordered by the board of aldermen within that period.

Sec. 17. If in any case the commissioners of the board of public works, or either of them, are especially interested in any special assessment about to be levied, the commissioners or commissioner so interested shall be disqualified from serving in that particular case. Any vacancy occasioned in the manner, or by the absence, inability or refusal to serve of any commissioner, may be filled by appointment by the mayor. The special commissioner so appointed shall be allowed five dollars per day for his actual services, and shall be sworn in the same manner as the other commissioners.

Sec. 18. Should the board of public works report to the board of aldermen at any time in favor of any proposed improvement of the Cypress bayou, and at the same time recommend that the expenses thereof be defrayed by a general tax upon all the taxable property in the city, it shall be lawful for the said board of aldermen to levy such a tax; and in such cases the amount required to be raised shall be assessed upon the whole taxable real and personal property in the city, and be included in the general tax levy of the succeeding year, under the head of "permanent improvement tax."

Sec. 19. The members of the board of public works shall be allowed five dollars per day each for their services when actually employed.

Of Taxation.

Section 1. The board of aldermen shall have the power within the city, by ordinance:

First—To annually levy and collect taxes, not exceeding five mills on the dollar on the assessed value of all real and personal estate in the city made taxable by the laws of this State, to defray the con-

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tingent and other expenses of the city, not herein otherwise specially provided for, which taxes shall constitute the general fund.

Second—To annually levy and collect a tax, not exceeding three mills on the dollar, on all taxable real and personal estate for the police expenses of the said city.

Third—To annually levy and collect a tax, not exceeding one and one-third mills on the dollar, on all taxable real and personal estate, to defray the expenses of lighting the streets of said city.

Fourth—To annually levy and collect a tax of sufficient amount, on all taxable real and personal estate, to meet the interest accruing on the general bonded debt of said city.

Fifth—To annually levy and collect a tax of sufficient amount on all taxable real and personal estate, when required, to pay any debt that may have been contracted for money borrowed during the preceding year, to provide for the expenses incurred in making any public improvement caused by any casualty or accident happening after the making of the annual appropriation for such year, or to pay any judgment that may have been recovered against the city and paid during such previous year.

Sixth—The board of aldermen shall also annually levy and collect a tax of five and one-third mills on the dollar on all real and personal estate in said city, made taxable by the laws of this State, to provide a sinking fund for the liquidation of the general bonded debt of said city, which amount shall be invested in the purchase of bonds of said city, if they can be purchased on satisfactory terms. All city bonds so purchased shall be retired and canceled.

Seventh—To annually levy and collect a tax not exceeding two mills on the dollar, on all taxable real and personal property, to defray expenses of fire department of said city.

Eighth—To annually levy and collect a tax not exceeding three and one-third mills on the dollar, on all taxable real and personal property, to meet the expenses of repairing and cleaning streets of said city.

Authority to Transfer Funds.

In case of a deficiency in any fund to meet any demand upon it, the treasurer may, with the sanction of the mayor and finance committee, use, to meet such demand, any moneys standing to the credit of any other fund, either general or special.

Sec. 2. The board of aldermen shall by an ordinance or resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied,

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(not exceeding the authorized per centage,) particularly specifying the purpose for which the same are levied.

Sec. 3. It shall be the duty of the assessor to estimate the several taxes levied by the board of aldermen, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of the several tax lists, opposite to the person or property chargeable therewith. When completed the recorder shall attach to each of said lists a warrant under the corporate seal, to be signed by the mayor, directed to the collector, commanding him, to make, levy, and collect, as the taxes for such year, the several sums of money set opposite to the real and personal estate or persons in said tax lists mentioned or described, of the goods and chattels of the respective owners of such real and personal estate; which warrants shall also designate the names and rates of the several taxes included therein.

Sec. 4. Said tax lists, with the warrants attached, shall be delivered to the collector, by the city clerk, on or before the last day of ..... in each year, and shall constitute the only process necessary to be issued, for the collection of the annual taxes. The city clerk shall take a receipt from the collector for the said tax lists, specifying the amount of the taxes levied on each list.

Sec. 5. When any special assessment shall have been confirmed by the board of aldermen, and no right of appeal therefrom is given by this act, it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the corporate seal, and signed by the mayor and city clerk; shall contain a copy of the assessment roll as confirmed by the board of aldermen, or so much thereof as describes the real estate assessed, and the amount of the assessment in each case; if the right of appeal from the order of confirmation should exist in any case, said warrant shall not be issued until the expiration of the term limited for the taking of such appeal, and if in any case an appeal should be actually taken, the issuing of the warrant shall be delayed until after the determination of such appeal.

Sec. 6. All warrants issued for the collection of special assessments, shall be delivered by the city clerk to the collector, taking his receipt therefor in the manner prescribed in the case of warrants for the collection of the annual taxes.

Sec. 7. Upon the receipt of any warrant for the collection of the annual taxes, or any special assessment, the collector shall forthwith give notice, by ten days publication in the corporation newspaper, that such warrant is in his hands for collection, brifly describing its nature, and requesting all persons interested to make immediate payment at his office; and, that in default thereof, the same will be

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collected at the cost and expense of the person liable for the payment of such taxes or assessments. Immediately after receiving the personal property tax list he shall notify all persons through the postoffice of the amount of their personal property tax. In the notice to be published in the corporation newspaper, he shall notify all parties interested that, after the expiration of sixty days from the day of receiving said list, he will levy upon the personal property of all who shall have failed to pay, and at the end of sixty days he shall so levy, if property belonging to such delinquent persons can be found, and he shall be liable for the amount of their tax in case of neglecting to do so. When persons can not be found, or property belonging to them out of which to make the tax, the collector shall advertise their names, and call for information concerning them and their property, and state the amount of their tax in the corporation newspaper, and this tax shall be a lien upon any property they may have, or may thereafter acquire, until paid; and the collector, or his successor in office, may, at any time thereafter, levy for the same. But nothing in this section contained shall be so construed as to prevent the collector from levying, at any time after the publication of the ten days' notice above required.

Sec. 8. All taxes levied by the board of aldermen under this act shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said taxes are paid. Every person owning real estate on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year. The city taxes shall also be a lien on the personal property of all persons owing taxes, from and after the delivery of the warrant for the collection thereof to the collector; and no sale or transfer of said property shall effect the lien, but the said property may be seized by the collector whenever found, and removed, if necessary, and sold to discharge the taxes of the person owing the same, and the same proceedings may be resorted to by the collector, upon any warrant issued for the collection of a special assessment.

Sec. 9. If from any cause the taxes charged in the real estate tax list, shall not be collected or paid on the lands or lots described therein, on or before the first day of ....., ensuing the date of the warrant, it shall be the duty of the collector to demand and collect, for the use of said city, in addition to the taxes remaining unpaid, five per cent. damages thereon in every case, and if the assessments charged in any special assessment warrant, shall not be paid within sixty days after the first publication of notice by the collector, that he has received such warrant for collection, the assessments then remaining unpaid shall be collected with damages

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at the rate of three per cent. thereon, for each and every month thereafter, until the same shall be paid.

Sec. 10. It shall be the duty of the collector, between the .... day of ..... and the last day of ..... in each year, to make a report by some court of general jurisdiction, held in said city, at any special or general term thereof, of all the taxes and assessments then remaining unpaid upon the real estate tax list, and all special assessment warrants which were delivered to him on or before the last day of the preceding ....., asking for judgment against the several lots and parcels of land, or other property described in such list or warrants for the amount of taxes, assessments, damages and costs respectively, due thereon. The collector shall give notice, by six days' publication thereof in the corporation newspapers, of his intended application for judgment, which shall briefly specify the nature of the respective warrants upon which application is to be made, and request all persons interested to attend at such times. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid intended application by the collector to such court for judgment, and shall be held a sufficient demand and refusal to pay the said taxes and assessments.

Sec. 11. The collector shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with a certificate of the due application thereof from the printer or publisher of the newspaper in which the same was published, and shall file the same with the clerk of such court at the said term, with said report.

Sec. 12. The clerks of said court, upon the filing of such reports by the collector, shall receive and preserve the same, and shall record thereon all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate suit, and shall be docketed by the clerk in the following form as nearly as may be, to-wit: "City of Jefferson vs————. and others; suit for taxes. Or.....the city of Jefferson vs.....and others; suit for assessment or warrant for .....," or in such other manner as will sufficiently indicate the nature of the improvement for which assessment is due.

Sec. 13. It shall be the duty of the court, upon the filing of said reports, to proceed immediately to the hearing of the same, and they shall have priority over all other cases pending in said court; the said court shall pronounce judgment against the several lots and parcels of land or other property described in said reports, for which no objection shall be filed for the amount of the taxes or assessment

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damages and costs due severally thereon. The owner of any property described in said reports or any person beneficially interested therein may appear at said court at the time designated in the collectors notice, and file objections in writing, to the recovery of judgment against such property, but no objection shall be sustained, founded on any mere formal irregularity or defect. The court shall hear and determine all objections in a summary way, without pleadings, and shall dispose of the same with as little delay as possible consistently with the demands of public justice, but should justice require that, for any cause the suit as to one or more owners should be delayed for more than twenty days; judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof the same as in all other cases.

Sec. 14. In all cases where judgment shall be rendered by default against the property described in said report, the court shall thereupon direct said clerk to make out and enter an order for the sale of the same, which said order shall be substantially in the following form: "Whereas, Due notice has been given, of the intended application for a judgment against said lands and other property, and no owner hath appeared to make defense, or shown cause why judgment should not be entered against said lands and other property for the taxes, (or assessment as the case may be,) damages and costs due, and unpaid thereon; therefore it is considered by the court, that judgment be and is hereby entered against the aforesaid lots and parcels of land and other property, in favor of the city of Jefferson, for the sum annexed to each lot or parcel of land, or other property, being the amount of the taxes, (or assessment,) damages and costs due severally thereon, and it is ordered by the court that the said several lots and parcels of land or other property, or so much thereof as shall be sufficient, of each of them, to satisfy the amount of the taxes, (or assessment,) damages and costs annexed to them severally, be sold as the law directs. In all cases where a defense shall be interposed and judgment shall be rendered against the property; a similar order adapted to the circumstances of the case shall be made out and entered of record. Ten cent costs shall be taxed to each lot, against which judgment is rendered; five cents to be ..... for fees, and five cents for advertising the notice of sale."

Sec. 15. It shall be the duty of the clerk of such court within twenty days after such order is granted, as aforesaid, to make out, under the seal of said court, a copy of so much of said collector's, report in such case as gives a description of the land, or other property against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court

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therein, which shall constitute the process on which all lands, lots, sub-lots, pieces, and parcels of land or other property, shall be sold for the amount of any taxes, assessments, damages, and costs so levied, assessed or charged upon them; and the said city collector is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land or other property upon two days' notice, to be published at least three times in some newspaper printed in said city.

Sec. 16. The said advertisement so to be published in each case of a judgment upon any special or general collection warrant and report as aforesaid, shall contain a list of the delinquent lots and parcels of land or other property to be sold; the names of the owners, if known, the amount of the judgment rendered thereon, respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale, at a time and place to be named in said advertisement by said collector. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale, of the property to be otherwise described with sufficient certainty, the proceedings may be stopped at any time upon payment of said judgment to the collector.

Sec. 17. In all proceedings and advertisements for the collection of said taxes and assessments, and the sale of lands therefor, letters and figures may be used to denote lots, sub-lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

Sec. 18. The sale shall be made for the smallest proportion of ground (to be taken from the east side of the premises) for which any person will take the same, and pay the amount of judgment thereon, certificates of sale shall be made and subscribed by the collector, which shall be delivered to the purchaser, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of the tax or assessment, with the amount of the judgment for which the same was sold, and the time when the right to redeem will expire. The collector shall continue such sale from day to day until all the lots or parcels of land or other property contained in his precept on which judgment remains unpaid, shall be sold or offered for sale.

Sec. 19. The person purchasing any lot or parcel of land, or other property, shall forthwith pay to the collector the amount of the judgment due thereon, and on failure to do so, the said property shall be again offered for sale in the same manner as if no sale had been made, and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any parcel of

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land or other property, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Sec. 30. The collector shall make return of his precept to the court from which the same was issued; a record of all sales made by the collector shall be kept in the office of the city clerk, which shall be open to public inspection at all reasonable times, and said record or copies thereof certified by said city clerk, shall be deemed sufficient evidence to prove the sale of any land or other property for taxes or assessment or any other fact authorized to be recorded therein.

Sec. 21. The right of redemption in all cases of sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in the case of sales of real estate for taxes, on the payment in lawful money of the United State of double the amount for which the same was sold, and all taxes accruing subsequent to the sale with interest at the rate of ten per cent. per annum. If the real estate of any infant, feme covert or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability shall be removed. Redemption shall be made by the payment of the amount of redemption money to the treasurer, and taking his voucher therefor, and filing the same in the office of the city clerk, who shall thereupon note the fact of said redemption upon his record of sales; or any person holding a certificate of sale, may surrender the same to the city clerk to be canceled, and the fact shall in like manner be noted upon said record, upon the return of the certificate, or proof of its loss, and the filing with the ..... of the affidavit required by the Constitution of this State; if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assignees under the corporate seal, signed by the mayor and clerk, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid; a memorandum of all deeds so made and delivered shall be entered by the city clerk in the book wherein tax sales are recorded, and a fee of one dollar may be charged by the city clerk for every deed so issued.

Sec. 22. Such certificate of purchase shall be assignable by endorsement, and an assignment thereof, shall vest in the assignee or his legal representatives all the right and title of the original purchaser.

Sec. 23. Whenever it shall appear to the satisfaction of the city clerk, before the execution of a deed for any property sold for taxes, that such property was not subject to taxation, or that the

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taxes had been paid previous to the sale, he shall make an entry opposite to such property on his record of sales that the same was sold in error, and such entry shall be evidence of the fact therein stated, and this provision shall apply so far as is applicable to all sales of special assessment.

Sec. 24. All deeds made to the purchasers of lots, lands, or other property sold for taxes or assessments shall be prima facie evidence in all controversies and suits, in relation to the right of the purchaser, his or her heirs or assigns to the premises thereby conveyed of the following facts:

First—That the land or lot conveyed, was subject to taxation or assessment at the time the same was advertised for sale and had been listed and assessed in the time and manner required by law.

Second—That the taxes or assessments were not paid at any time before the sale.

Third—That the land or lot conveyed had not been redeemed from the sale at the date of the deed and shall be conclusive evidence of the facts.

First—That the land or lot was sold for taxes or assessments, as stated in the deed.

Second—That the land or lot was advertised for sale in the manner and for the length of time required by law.

Third—That the grantee in the deed was the purchaser. That the sale was conducted in the manner required by law and in all controversies and suits involving the title to the lot or land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to taxation at the date of sale; that the taxes or assessments had been paid; that the land or lot had never been listed and assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this State; but no person shall be permitted to question the title acquired by said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land or lot at the time of the sale, or that the title was obtained from the United States or this State, after the sale, and that all taxes due upon the lot or land have been paid by such person, or the person under whom he claims title as aforesaid, and no deed of land or other property sold for the non-payment of taxes or assessments shall be questioned in any suit or controversy, unless the person wishing to contest the same shall have tendered or deposited the amount of the

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redemption money and interest as now provided by the laws of this State in case of sales of real estate for taxes.

Sec. 25. Any changes made in the incumbent of the office of the collector during the pendency of any such proceedings shall not operate to affect or delay the same, but the successor or successors in office of such collector shall be authorized to do all acts necessary to complete such proceedings the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office the proceedings shall be prosecuted by the ..... until such vacancy is filled by election or otherwise.

Sec. 26. All sales of property for the non-payment of taxes and assessments for any improvement of what kind so ever, shall be held at the same time with the general sale of property for non-payment of city taxes in each year, unless in particular cases said sale is stayed or delayed by examination or process of law; the intent hereof being that there shall be but one general collection by sale, of all taxes and assessments whatsoever in each and every year, which sale shall take place in the manner hereinbefore provided, and at the same time in each year; provided, that in all cases where judgment should be delayed in consequence of any appeal, or the delay of any court in rendering its decision, such sales may be made at any time after final judgment shall have been rendered, upon notice to be given as in other cases.

Sec. 27. Any assessor, collector, or other officer, who shall in any case refuse, or knowingly neglect to perform any duty enjoined upon him by this chapter, shall be prevented or hindered, shall for every such neglect or refusal, be liable by said city, individually, and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal to be recovered in an action of debt, in any court having jurisdiction of the amount thereof.

Sec. 28. No assessment of property, or charges for taxes or assessment thereon, shall be considered illegal on account of any irregularity or informality in the tax list or assessment rolls, or on account of the assessment rolls or tax lists not being made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name or in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers entrusted with the levying and collection of taxes or special assessments, not effecting the substantial justice of the tax or assessment itself, shall vitiate, or in any way affect the tax or assessment.

Sec. 29. If any purchaser of lands, lots or other property, sold for city taxes or assessments, shall suffer the same to be again sold for like taxes or assessments, before the expiration of two years

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from the date of his or her purchase, such purchaser shall not be entitled to a deed for the property until the expiration of two years from the date of the second sale, during which time the land, lot or other property, shall be subject to redemption, and the person redeeming shall only be required to pay for the use of the purchaser, at the first sale, the amount paid for the property, and double the amount paid by the second purchaser for his use, as in other cases.

Sec. 30. All corporations, companies or associations, not incorporated under the laws of this State, engaged in said city in effecting fire, marine or life insurance, shall pay to the city treasurer the sum of two dollars upon the hundred dollars and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received or have been agreed to be effected in said city, by or with such corporations, companies or associations, respectively. Every person who shall act in said city as agent or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January in each year, render to the city recorder a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him or any other person for him, or shall have been agreed to be paid for or in behalf of any such corporation, company or association, and shall specify in said account the amounts received from fire, marine and life insurance respectively. Said agents shall also pay over to the city treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in said city until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risks that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporations, company or association, or its agents, by acting in the name and for the use of said city, as for money had and received for its use.

Sec. 31. The moneys so collected from the insurance companies

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shall be used only for the purpose of promoting the efficiency of the fire department of said city, and providing a fund for the relief of disabled firemen.

Fire Department.

The board of aldermen, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected, or placed or repaired, without permission, and to direct that all and any buildings within the limits prescribed shall be made or constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof and to prescribe the manner of ascertaining such damage.

First—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous.

Second—To prevent the deposit of ashes in unsafe places, and to cause all such buildings and enclosures, as may be in a dangerous state, to be put in safe condition.

Third—To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fire.

Fourth—To regulate and prevent the use of fire works and fire arms.

Fifth—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Sixth—To authorize the mayor and board of aldermen, police or other officers of said city, to keep away from the vicinity of any fire all idle and suspicious persons, and compel all officers of said city and other persons to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat.

Seventh—And generally to establish such regulations for the prevention and extinguishment of fires as the board of aldermen may deem expedient.

Sec. 2. The board of aldermen shall procure fire engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide, fit and secure engine houses and other places for keeping and preserving the same; and shall have power,

First—To organize fire, hose, hook and ladder and axe companies.

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Second—To provide for the appointment of a competent number of able and respectable inhabitants of said city, foremen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Third—To prescribe the duties of foremen and their compensation, and to make rules and regulations for their government, and to impose reasonable fines and forfeitures upon them for a violation of the same; and for incapacity, neglect of duty or misconduct, to remove them.

Sec. 3. The chief and assistant engineers of the fire department, with the other foremen, shall take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires, and their duties and powers shall be defined by the board of aldermen.

Sec. 4. The assistant engineers of the fire department shall also act as fire wardens, and it shall be their duty to examine all buildings and enclosures, to discover whether the same are in a dangerous state, and to report to the chief engineer all violations of the charter or ordinances of said city in relation to the prevention or extinguishing of fires.

Sec. 5. The board of aldermen shall have power, in its discretion, to authorize the appointment of a fire marshal, whose duty it shall be to inquire into and investigate the cause of all fires which may occur in the city as soon as may be after they occur, and to keep a record of his proceedings and of the evidence in each case, and to file the same, or a copy thereof, in the office of the city recorder. He shall have power to compel the attendance of any person in said city to testify upon oath concerning any fire in said city, under such penalty as the board of aldermen may provide; and he is hereby authorized to administer oaths to all such witnesses. He shall be required to use his utmost exertions in the discovery, arrest and conviction of all incendiaries, and perform such other duties as the board of aldermen may prescribe. Any or all of the above mentioned duties may be devolved by the board of aldermen upon the chief engineer.

Sec. 6. The members of the board of aldermen and finance shall, during their term of service as such, be exempt from serving on juries in all courts of this State and in the militia. The name of each fireman shall be registered with the recorder of the city, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the recorder, made within the year in which the exemption is claimed.

Sec. 7. One-eighth part of the amount of all fire insurance rates, which shall be annually paid to the city treasury, as herein-

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before provided, shall be reserved and set apart, to create a fund for the relief of distressed firemen who may become disabled in the service of the city, and shall be used solely for that purpose. Said money shall be disbursed in such sum and under such rules and regulations as the board of aldermen shall prescribe. The remaining seven-eighths of the aforesaid revenue shall be retained by the city for the payment of fire engines that have been or may hereafter be purchased by said city.

All acts and parts of acts passed by the Legislature of the State of Texas, and all ordinances, regulations and resolutions now in force in the city of Jefferson, and not in conflict with this act, shall remain in full force under this act until altered, modified or repealed by the board of aldermen or other competent authority, after this act shall take effect.

Sec. 2. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

Approved December 1, 1871.

[Note by the Secretary of State.—The foregoing act is enrolled very imperfectly, and differs in many instances very materially from the engrossed bill; a large portion is entirely omitted.]

CHAPTER CXIII.

An Act to amend section number eight, of An Act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of An Act to incorporate the Waco Tap Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That section eight of the above entitled act, approved August 6, 1870, shall be so amended as to read as follows:

"Said company shall commence the construction of said road within twelve months after the organization of their company, and shall complete and have in running order that portion of its road commencing at its point of junction at the town of Bremond, in Robertson county, with the road of the Houston and Texas Central Railway Company, and from thence continuing to the town of Marlin, in Falls county, on or before the first day of March, A. D. 1872, and shall complete and have in running order their said road to, or near, the city of Waco,

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say to the Waco depot, on or before the first day of January, A. D. 1873; and fifty other miles shall be completed within three years thereafter, and twenty miles a year thereafter, until the road is completed to its northwestern terminus, in the copper or coal mining regions, or to the State line."

Sec. 2. That this shall take effect from and after its passage.

Approved December 1, 1871.

CHAPTER CXIV.

An Act to authorize the county of Calhoun to improve the channel from the Gulf into Matagorda Bay, and to create a bonded debt for that purpose.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Calhoun be, and it is hereby authorized to contract for the improvement of the channel, from the Gulf into the bay of Matagorda; and to that end, and for the payment of money due upon such contract, may create a bonded debt, pursuant to the provisions, and the conditions, and with the restrictions and limitations contained in an act entitled, "An act to authorize counties, cities and towns to aid in the construction of railroads, and other works of internal improvement," approved April 12, 1871.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER CXV.

An Act for the relief of the heirs of N. A. Bonzano, Deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to the heirs of N. A. Bonzano, deceased, an unconditional headright certificate for twelve

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hundred and eighty acres of land, by virtue of conditional certificate No. 518, issued by the board of land commissioners for the county of Harrisburg, to N. A. Bonzano for twelve hundred and eighty acres of land on the eighth day of June, 1838; said unconditional certificate, when issued, to be located and patented as in other cases.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER CXVI.

An Act to incorporate the Jefferson Real Estate, Trust, and Dollar Savings Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. W. Taylor, Perry H. Graham, F. A. Schluter, B. W. Gray, H. D. Benners, W. N. Bryant, Jackson Prouty, C. M. Campbell, and such others as they may associate with them, and their successors, be and they are hereby declared and created a body corporate and politic, under the name and style ofthe "Jefferson Real Estate, Trust, and Dollar Savings Company," of Jefferson, Texas, with authority in said corporate name and capacity to sue and be sued, plead and be impleaded, contract and be contracted with, to have succession and a common seal; they shall have the right to purchase and sell; hold, pledge and receive in pledge; to transfer and convey any property, either real, personal or mixed; may make loans and borrow money to the extent of the capital authorized to be employed by this act of incorporation; to receive on deposit any and all sums of money, merchantable and negotiable security, in amounts not less than one dollars; to act, when required, in the capacity of a trust company, being capable, in law and equity, of executing such trusts as may be performed by an individual trustee; to make and adopt, revise and amend such by-laws, rules and regulations, as in the judgment of the company may be necessary to a successful organization and future management; and generally to do any act within the scope of this charter, not at variance with the Constitution and laws of this State.

Sec. 2. That the capital stock of said company shall be twenty-five thousand ($25,000) dollars, with the privilege and power, under this charter, by a vote of the directory thereof, of increasing

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the same from time to time as the increasing business of the company and the exigencies of the same may demand, to, and within, five hundred thousand ($500,000) dollars. The said stock shall be divided into shares of one hundred dollars each, on which there shall be paid, at the time the subscription to the said stock is made, not less than five (5 p. c.) per cent on all the stock so subscribed; each share to entitle the holder to one vote, either in person or by proxy, in all meetings of the company. Said shares to be deemed personal property, and if any stockholder shall refuse or fail to make payment on such stock as may be subscribed to by him, or her, on such calls or assessments as may be made under authority of this charter, or the rules and regulations adapted by the company, within twenty days from the date of such assessment or call, his or her stock shall, upon such default, be sold in such manner as the directory may prescribe, and such stockholder shall cease to be a member of such company.

Sec. 3. The management of said company shall consist of a board of directors of not less than five nor more than seven persons, to be chosen annually by the stockholders. They shall elect from the board of directors one president, one vice president, one treasurer and one secretary, and such other officers as the by-laws of the company may prescribe, whose term of office shall be for one year, or until their successors shall qualify.

Sec. 4. The secretary and treasurer of said company shall, before entering officially upon their duties, enter into bond, respectively, with said company, with two or more good and sufficient sureties, in the sum of ten thousand dollars, conditioned for the just and faithful performance of the duties devolving upon them in their official capacities; said bonds shall be deposited with the treasurer of the city of Jefferson for safe keeping, and they shall not be forfeitable upon the first recovery.

Sec. 5. The bonds required to be executed by the treasurer and secretary, respectively, as hereinbefore provided, may be canceled at any time by a majority vote of the directors of said company, and the secretary and treasurer be required to renew the same in such greater sums and amounts as the increased business and greater security of the company may seem to demand.

Sec. 6. The salary of the president of said company shall not exceed the rate of twenty-five hundred dollars per annum, until one hundred thousand dollars of the capital stock shall have been subscribed to, and five (5 p. c.) per cent. of the whole has been paid in; nor shall the salaries of the secretary and treasurer of said company exceed the rate of fifteen hundred dollars per annum, until under

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the provisions of this charter the salary of the president thereof shall have been advanced.

Sec. 7. The members of this act of incorporation, and such persons as they may associate with them, shall meet in the city of Jefferson within one hundred and twenty days from the passage of this act, for the primary organization of said company, and they shall give notice by publication in some newspaper published in the city of Jefferson, of the day and date upon which books will be opened to the public for subscription to the capital stock of said company; and not until twenty-five thousand dollars of the same shall have been subscribed and five per cent. thereof have been paid in, shall the said company be authorized to enter formally upon the privileges conferred by this charter.

Sec. 8. The legal domicile of said company shall be in the city of Jefferson.

Sec. 9. All obligations of the company shall be signed by the president and treasurer.

Sec. 10. This act of incorporation shall take effect from its passage, and remain in force for the period of fifty years.

Approved December 1, 1871.

CHAPTER CXVII.

An Act to incorporate the North Texas Land Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. S. Porter, Geo. A. Cutler, G. W. Porter, and their associates, be and they are hereby incorporated and declared to be a body politic, under the name of the North Texas Land Company, and under such name may transfer their rights by succession, and shall be persons in law, capable of suing and being sued, impleading and being impleaded, and that they and their successors, by the same name and style, shall be in law capable of holding and conveying any estate, real, personal or mixed; that they shall have the power and authority to make contracts for the introduction of immigrants to settle upon their lands, and doing and performing all things necessary for the business of said company and not contrary to the Constitution and laws of the State; said company shall have a corporate seal, with such device as they may select, and may alter the same at their pleasure.

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Sec. 2. The objects of said company are declared to be to promote immigration to Texas, to facilitate the sale, purchase and settlement of lands by immigration, and to assist in promoting and protecting the interests of the frontier counties, by the introduction and settlement of colonies of agricultural and other skilled operations in that section of the State.

Sec. 3. The capital stock of said company may be fixed by the stockholders at any amount not to exceed two hundred thousand (200,000) dollars, and the lands of the stockholder may be received by the company in lieu of money, in payment of the capital stock, at such valuation as shall be mutually agreed upon, and the said capital stock shall be divided into shares of fifty (50) dollars each, to be deemed personal estate, each share to entitle the owner to one vote, either by person or proxy, in all meetings of the stockholders.

Sec. 4. That this act shall take effect and be in force from and after its passage, and shall continue in force for twenty-five years.

Approved December 1, 1871.

CHAPTER CXVIII.

An Act to authorize and empower the corporate authorities of the Town of Palestine to Extend the Streets and Alleys of said town to the Exterior Limits of the Corporation, and to Lay Out and Make New Streets and Alleys Within the Limits of Said Corporation.

Section 1. Be it enacted by the Legislature of the State of Texas, That the mayor and aldermen of the town of Palestine, in the State of Texas, be and they are hereby authorized and empowered to extend the streets and alleys of said town of Palestine to the exterior limits of said town corporation, and to lay out and make new streets and alleys within the corporate limits of said town whenever such new streets and alleys shall be necessary for said town and for the convenience of the inhabitants thereof; provided, that in extending the streets on the north side of the public square, they shall be run parallel with the lines of the existing surveys of land, and not otherwise, except by the consent of the owner or owners.

Sec. 2. Be it further enacted, That when in making such extension of streets and alleys of said town, and in laying out and

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making new streets and alleys, as contemplated by the first section of this act, such streets and alleys shall pass over any land not belonging to said corporation, the title to which cannot be obtained for these purposes by voluntary donation from the owner or owners thereof, or the title to which may be in minors or others incapable of conveying or unwilling to convey the same to said corporation, then the mayor and aldermen of said town may cause such land to be condemned to the use of said corporation in the making and extension of the public streets and alleys of said town.

Sec. 3. Be it further enacted, That for the purpose of condemning lands as provided for in the preceding section of this act, the said mayor and aldermen may appoint two disinterested commissioners, and any owner or owners of land to be condemned may appoint two other disinterested commissioners, all to be citizens and freeholders or householders of said town, and these four commissioners may select a fifth of like qualifications, who shall, under oath, examine the land to be so condemned and determine the amount of damages to be paid to the owner or owners thereof, if, in the judgment of said commissioners, any damages ought to be paid to the same; and no determining the question of damages, said commissioners shall take into consideration the increased value which the extension and laying out of such new streets and alleys will give to the remaining lands situated in said town, of the person or persons whose land is to be so condemned; and if this increased value of such remaining lands shall be equal to or greater than the amount of the damage caused by the opening of such new streets and alleys, then said commissioners shall not allow damages to the owner or owners thereof, for the land so condemned; provided, that if any owner or owners of such land be absent or otherwise unable to appoint the two commissioners herein provided for, or if such person or persons shall refuse to appoint such commissioners as they are herein authorized to appoint, then and in that case said mayor and aldermen shall appoint three disinterested commissioners, who, under oath, shall proceed to determine the question of damages.

Sec. 4. Be it further enacted, That said corporation shall pay all damages assessed under the authority of this act; and for that purpose said mayor and aldermen are hereby authorized to levy and collect taxes on persons, property and business in said corporation, from year to year, as such damages may be adjudged against such corporation; provided, said taxes for any one year shall not exceed one-half per centum, and license an occupation taxes on all trades, occupations, professions and business, not to exceed one-half the amount of such taxes imposed at the time the same are levied and collected for the use of this State. The taxes herein authorized

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to be levied and collected shall be exclusively applied to the purposes contemplated by this act, and this act is not to interfere with existing laws relating to the powers and duties of the corporation of said town, or the levying and collecting of the ordinary corporation taxes.

Approved December 1, 1871.

CHAPTER CXIX.

An Act to incorporate the Dollar Savings Bank of Brenham.

Section 1. Be it enacted by the Legislature of the State of Texas, That Mathew Gaines, Scipio Thompson, Sam Love, Charles Childs, W. M. Ester, Allen Wilder, R. G. Moore, Louis Brooks, Allen Harris, Wesley Taylor, and their associates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of the Dollar Savings Bank of Brenham, and shall have succession, a common seal, with power to plead and be impleaded; to sue and be sued; to appoint all necessary assistants; and may have, enjoy, and exercise all the powers necessary to carry out and execute all the purposes and intents of a savings bank and trust corporation.

Sec. 2. The general business and objects of this incorporation shall be to receive or deposit or entrust such sum or sums of money as may, from time to time, be offered therefor by tradesmen, merchants, clerks, laborers, servants, and others, to be repaid to such depositors, when demanded, at such times, with such interest, and under such regulations as the board of directors may from time to time prescribe, which regulations shall be posted up in some conspicuous place in the room where the business of said corporation shall be transacted.

Sec. 3. The business of the corporation shall be managed by twelve directors, and the persons named in section one shall be the first directors thereof, and shall so continue for one year from the date of organization of the company, and any vacancy which may occur, from resignation or other cause, may be filled by a majority of directors remaining.

Sec. 4. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, paya-

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ble in such instalments as the directors may from time to time elect, under such penalties as they may in their discretion adopt. And the directors are hereby appointed and authorized to superintend the subscriptions to the capital stock of the corporation, and it will be competent for said directors to commence the business of the corporation when the full amount of stock shall have been subscribed and at least ten per cent. of it paid into the treasury.

Sec. 5. This corporation may loan money according to the Constitution and laws of the State, or may discount in accordance with bank usages, taking such security therefor, either real or personal, as the directors may deem sufficient. Said corporation shall have power to borrow money, buy and sell exchange, bullion, bank notes, government stocks and other securities; but nothing in this act contained shall confer on said corporation the privilege of issuing notes similar to bank notes for the purpose of a circulating medium, unless the same may be done in conformity with the laws of the United States in such case made and provided.

Sec. 6. It shall be lawful for this corporation to purchase and hold such real estate as may be convenient and necessary for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security or in payment of any debt or debts due or to become due to the said corporation, to purchase real estate at any sale made by virtue of any loan, debt or mortgage made to or held by said corporation, and to receive and take, in whole or in part, satisfaction of any such loan or debt any real estate, and to hold and convey the same.

Sec. 7. The stockholders of this corporation shall meet at such time, not exceeding one year from the date of organization, as the directors may fix upon, and annually thereafter, and elect by ballot, from their own number, twelve (12) directors to serve for the term of one year, or until their successors are chosen. Each stockholder shall be entitled to one vote for every share of stock standing in his or her name on the books of the corporation, and they may vote in person or by proxy; the name of the stockholder so voting shall be endorsed on the ballot, and plurality of votes shall elect. The directors shall elect annually from their number a president and vice president. The cashier may be selected from the stockholders by the directors. The directors shall make and execute such by-laws as may be necessary and convenient for the proper prosecution of the business of the corporation not inconsistent with this act or with the laws of this State or of the United States.

Sec. 8. At any time after the full payment of the original stock of fifty thousand dollars as hereinafter provided, the directors may increase the capital stock of said corporation to any amount

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not exceeding five hundred thousand dollars, in shares of one hundred dollars each, and said increased stock shall be subject to all the liabilities, in munities and privileges of the original stock. Stockholders shall have the option of subscribing to such additional stock pro rata, within such time as the directors may limit.

Sec. 9. When any deposit is made to said corporation by a minor or a female, being, or hereafter becoming a married woman, the said corporation may pay such depositors any sums of money due to them, which they themselves have deposited, and their receipt or acquittance shall be a legal discharge of said corporation therefor.

Sec. 10. The stock of this corporation shall be deemed personal property, transferable only on the books of the company, and no transfer shall be valid while the stockholder is indebted to the company.

Sec. 11. This corporation shall exist for the term of fifty years next succeeding the passage of this act. This act shall be void unless said company shall organize and proceed to business within three years after the passage hereof. The said company shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust, or deposit companies.

Sec. 12. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice, and shall take effect on and after its passage.

Approved December 1, 1871.

CHAPTER CXX.

An Act to Authorize the City Council of the City of Austin to Levy and Collect a Special Tax for the Establishment, Support and Maintenance of a Fire Department in Said City.

Section 1. Be it enacted by the Legislature of the State of Texas, That the city council of the city of Austin be and they are hereby authorized to levy and collect a tax, not to exceed one fourth of one per centum, upon the assessed valuation of all the real estate within the corporate limits of said city; said assessment and collection to be based upon the assessment of said property for the A. D. 1870.

Sec. 2. That the tax provided for in the foregoing section is to

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be levied, assessed and collected solely and exclusively for the establishment, support and maintenance of the fire department of said city, and shall be in no manner whatsoever divested from said uses and purposes.

Sec. 3. That notice of this act and the call for the tax herein provided for shall be given by the mayor of said city by publication in a daily newspaper of said city, for twenty consecutive days previous to proceeding to collect the same.

Sec. 4. That all sums collected under this act shall be immediately paid into the city treasury, and there held exclusively as a fire department fund to be paid out and appropriated in the following manner only, viz.: Upon drafts drawn by an executive committee of three firemen, representing respectively the three existing fire companies of said city, and with the approval of the chief of said fire department, and the mayor of said city endorsed thereon.

Sec. 5. That the tax herein provided for shall be collected but once; and that this act cease to have effect after the collection of the same, and that the collection of said tax after notice given as herein provided, may be enforced in a like manner as in the collection of other State and municipal taxes.

Sec. 6. That this act continue in force for the purpose herein specified and no longer, and go into effect from and after its passage.

Approved December 1, 1871.

CHAPTER CXXI.

An Act to incorporate the Galveston and Eastern Texas Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Joseph J. Hendley, Clinton G. Wells, William H. Goddard, Moritz Kopperl, John L. Darragh, T. J. League, T. B. Stubbs, James M. Brown, John Wolston, A. P. Lufkin, John Sealy, R. S. Willis, J. H. Chapman, Theodor Wagner, A. C. McKeen, John S. Sellers, Frank D. Harrar, J. E. Wallis, Gustave Ranger, C. H. Jordan, Leon Blum, S. Heidenheimer, Julius Frederich, M. V. McMahan, James P. Cole, M. D. K. Taylor, S. F. Moseley, James Wrigley, J. C. Day, R. S. Walker, H. G. Lane, J. H. Booty and J. T. Lacy be, and they are hereby, appointed commissioners to open books and receive subscriptions to the capital

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stock of a corporation to be styled the "Galveston and Eastern Texas Railway Company." A majority of said commissioners shall constitute a quorum to do business, and shall meet in the city of Galveston, at such time as a majority thereof may agree upon, and they may appoint one or more of their own body, and such other agents as they may select, to open books at such places as they may direct, to receive subscriptions for the stock of said company; and the said commissioners shall hold meetings from time to time, as their business may require, until directors shall be selected, as hereinafter provided. In receiving subscriptions for said capital stock, they shall require five per centum thereof to be paid at the time of subscribing, whether to one of their own number, or an agent appointed by them; and any subscription to said stock, upon which the amount of five per centum is not paid, shall be void, and the party receiving the same, on the part of the company, shall be responsible to it for said five per cent. upon said stock; provided, that certificates of said stock shall not be assignable until after the organization of said company.

Sec. 2. That the subscribers to the said capital stock, whenever they shall have selected directors, are hereby created and established a body corporate and politic under the name and style of the Galveston and Eastern Texas Railway Company, with capacity in said corporate name to sue and be sued, to plead and be impleaded, to have succession and a common seal, to make contracts, to grant and receive, to make by-laws for its government, and generally to do and perform all things necessary or proper to the maintenance of its rights under this act, and not inconsistent with the Constitution of this State and of the United Sates.

Sec. 3. The capital stock of said company shall not exceed twelve millions of dollars, to be divided into shares of one hundred dollars each; each share to entitle the owner thereof to one vote in all elections and meetings when the stockholders are called upon to vote, and a majority of the votes shall govern in all cases not otherwise provided by law; the said shares of stock shall be deemed personal estate, transferable only on the books of the company.

Sec. 4. The direction and control of the affairs of said corporation shall be vested in a board of not less than five nor more than nine directors, as the by-laws may provide; they shall be chosen by the stockholders at their annual meetings, the first of which shall be holden at such time as the corporators herein mentioned shall designate; the said directors shall select one of their own body to be president of said company, shall fill vacancies in their board, appoint a secretary, treasurer and such other officers and agents as they deem proper, and require bond for the prompt and honest discharge

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of their duties, make all proper rules for the holding of their meetings, and all other rules not inconsistent with the general laws, which they may deem necessary to protect the interest of the company; they shall cause to be kept accurate books of accounts, exhibiting the receipts and expenditures of the company. A majority of the directors shall constitute a quorum to do business, and shall have the power of a full board; and all conveyances and contracts in writing, signed by the president and countersigned by the secretary, or any other officer duly authorized by the board of directors, under the seal of the company, when the same is in execution of an order of the board, shall be binding and valid.

Sec. 5. That so soon as one hundred thousand dollars of the capital stock of said company is subscribed, and five per cent. thereof paid to the commissioners, they shall cause the first election to be held for directors, first giving notice of the time and place of such election, by publication in some newspaper printed in the city of Galveston, and such other places as may be deemed advisable; and when said directors, so elected, shall have organized, the said commissioners shall pay over to the treasurer of the company all the moneys they have received upon subscriptions to the stock of the company, and deliver to said directors all the books and papers belonging to the company.

Sec. 6. That said company, when organized under the provisions of this act, shall be and is hereby invested with the right of locating, constructing, owning, operating and maintaining a railroad, commencing at the city of Galveston, and running thence by the most eligible route to some point on the Trinity river, within the present limits of the counties of Liberty or Chambers; thence, by such route as may be deemed best, to the town of Homer; thence, to the town of Henderson; thence, to Jefferson, and from thence to some point on Red river, to connect with a railroad coming from or through the State of Arkansas, with the right to construct a branch road to the estern limits of the State, and shall have the right to unite or consolidate with any other railroad running in the same direction and forming a main trunk line.

Sec. 7. That said company after its organization in pursuance of this act under the board of directors, shall have power to receive further subscription to the capital stock of said company, until the whole amount shall have been subscribed; but five per cent. of its subscriptions shall be paid at the time of subscribing, and the directors shall be personally liable to said company for five per cent. of all such subscription as they may receive without such payment; provided, however, that said company may, by a vote of a majority of the votes of the stockholders, issue certificates of stock, to be is-

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sued in payment of any debt contracted for the construction or equipment of said road. Any agreement in writing, to subscribe for stock may be enforced according to its terms, and if any subscriber shall fail to pay any amount due upon shares subscribed for by him according to the terms of his subscription, the directors may sell at auction as required at sheriff's sale, the sale to take place in the county where the company has its principal office, and transfer the share of such delinquent to the purchaser, and if the proceeds of such sale shall not be sufficient to pay the amount due, with interest and charges, said delinquent shall be liable to the company for the deficiency, but if the proceeds shall exceed the amount due, with interest and charges, he shall be entitled to the excess.

Sec. 8. Said company shall have the right of way along their entire route, not to exceed two hundred feet in width, over all lands of the State, and the free use of rock, timber, gravel and earth thereof, and the terms of the general laws of this State to procure the release of the right of way from the owners of the lands along the route, and shall also have the right to construct and operate a telegraph line along the whole route, for the uses of the company.

Sec. 9. The said company, in its charges for freight and passengers, shall be governed by the general railroad law; it shall have the right to cross all public highways that it may be necessary to cross to establish said railway; and if said road shall cross any stream that is navigable, it shall cross in such manner as not to impede navigation.

Sec. 10. That said company shall have the right to form a junction with any other railroad, at either of its termini, or between the same, upon such terms and conditions as may be agreed on by the companies; and if, from any cause, said companies cannot agree upon the terms and conditions of such junction, then and in that case the same shall be determined by arbitrators, not being stockholders in either company, to be chosen by each party; and if they cannot agree, the difference to be adjusted by an umpire chosen by the arbitrators.

Sec. 11. That said railway company shall have power to borrow money and issue its bonds, with or without mortgage; provided, that the same be done in conformity to the laws of the State, this act of incorporation, and the by-laws of the company.

Sec. 12. The annual meeting of the stockholders of this company shall be held at the principal office in the city of Galveston, on the first Monday of December of each year, which shall be a day for the transaction of business by the stockholders, at which time the annual election for directors shall take place. Should the stockholders, owning a majority of the stock, fail to meet on that day,

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the directors may appoint another day for said election, and an election held on the day appointed, shall be valid. Directors elected under the provisions hereof, shall hold office until the next annual meeting, and until their successors are chosen and qualified.

Sec. 13. This company shall be subject to all general laws now in force, or which may hereafter be in force, in regard to running over the road of one company by another, when the public interest or the interest of commerce requires it, and may form a junction and connect with any other road, in such manner as may best and most certainly secure the construction of their railway.

Sec. 14. This charter shall remain in force for the period of ninety years, from the date of completing said railway; provided, the conditions set forth are fully complied with.

Sec. 15. Said company shall commence the construction of said road at Galveston or on bank of Trinity river, and shall build fifty miles thereof in twenty-four months from the orgonization of said company. They may also commence construction at such other points on said line as they may designate.

Sec. 16. That subscriptions for stock may be paid in land; provided, that the owner of land who desires to pay for his stock with the same, shall pay the full amount of his subscription in lands at the time of subscribing, at the rate the owner and company shall agree upon; provided, that the title to such land shall not vest in the company until the section of twenty-five miles, which is nearest said land on the line of the railway, shall have been completed.

Sec. 17. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER CXXII.

An Act to incorporate the Arrow Fast Freight and Transportation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That N. H. Ricker, Starr S. Jones, H. Portman, J. W. Allen, Jas. H. Miller, Charles W. Perry, R. P. Sargent, U. H. Griffin, E. S. Graham, their associates, successors and assigns be and they are hereby constituted and created a body corporate and

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politic, under the name and style of the Arrow Fast Freight and Transportation Company. Said company shall have succession and a common seal, with power to sue and be sued, plead and be impleaded, to grant and receive in their corporate name, to make by-laws for their government, and generally to do and perform all such acts and things proper and necessary to be done by corporate bodies to carry into effect the objects and ends of said corporation not inconsistent with the laws of the State of Texas or of the United States. And the above named incorporators shall constitute the first board of directors, a majority of whom shall constitute a quorum to do business, and shall meet at such time and place as may be designated by a majority of the corporators above named, and from their own number shall elect a president and vice president, and appoint such officers as they may deem necessary for their organization, who shall hold their offices until their successors are elected, as hereinafter provided for.

Sec. 2. The object of said company is declared to be, the fast freight and transportation business; to establish transportation routes; to own or lease cars, wagons and other vehicles, steamers, steamboats and other vessels used for freight and transportation business; to run its own or leased cars over all railroads, subject to existing laws and to the terms of previous agreement; contract with any railroad company; to make contracts to forward by railroads, steamers and other modes of conveyence, by sea or land, all kinds of goods, wares, merchandise, produce, live stock, etc., and to insure articles of all kinds forwarded by said company, subject to the stipulations and conditions of bill of lading of this line, and generally to transact all business direct and incidental to the fast freight and transportation business; to purchase and hold such real estate as may be useful in the conducting of their business, make contracts, draw bills of exchange, etc., and establish and prescribe rates for transportation, bills of lading and receipts for freight in writing, or printed, containing such contracts and stipulations and conditions as they may deem useful and expedient, and the same shall in all respects be binding, according to the terms, printed or written, as therein set forth, and may sell such property, to satisfy said debt, at public auction through any authorized agent, after giving ten days' notice of the time, terms and place of such sale in a newspaper published in the county where such sale is to be made.

Sec. 3. That the capital stock of this company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; and this company may commence business as soon as ten thousand dollars of the capital stock shall have been subscribed, and ten per cent. of such subscription paid in. The board of directors

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shall have the power to make additional calls upon the stockholders for such a per centage as they may deem necessary, until the whole amount has been paid in; and in case any stockholder fails to pay in the amount of such calls within the time stipulated, the board of directors shall have the power to sell the stock upon which the call or assessment has been made, to the highest bidder, and the surplus, if any there is, and above the amount called for, shall be returned to the person owning the stock at the time of sale. This company shall have the power to increase its capital stock to five hundred thousand dollars whenever a majority of the stock shall deem it advisable.

Sec. 4. The control and direction of the affairs of said company shall be vested in a board of not less than five directors, who shall elect from their number a president and vice president, when ten thousand dollars of the capital stock of said company shall have been subscribed, as provided for in the preceding section; then the directors hereby constituted, shall call a meeting of the stockholders at such time and place as they shall appoint, and the stockholders shall proceed to elect a board of directors, who shall elect their president and vice president, as herein provided, and proceed to the election of such officers and agents as the board of directors may consider necessary to the management of the affairs of the company. The directors shall have power to fill any vacancies arising from death, resignation, or any other cause, and shall, at the time and place of such meeting, submit the by-laws of said company for the ratification of the stockholders; which by-laws shall provide all necessary rules for the holding of meetings, and all other things considered necessary, according to the provisions of this charter, and the proper conduct of its business.

Sec. 5. The principal office of said company shall be located in the city of Galveston; but may be removed at any time to such place as the business of the company may render expedient and necessary.

Sec. 6. That this company shall have the right to sell at public auction, any unclaimed freight or freights, having been refused by the consignees, after having held the same for ninety days and after giving notice in one newspaper published in the city of Galveston, at least ten days before the date of such sale, and to sell for account of whom it may concern, any perishable freight within twenty-four hours after its receipt, or sooner if necessary.

Sec. 7. That no debts or liabilities contracted, or losses sustained by said company, shall be binding upon, or charged against individual stockholders for any amount, but such liabilities shall extend only to the stock, franchise and property of the company; and no

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mere informality in the organization shall have the effect of rendering this charter null, or exposing a stockholder to any liability beyond the extent of his stock.

Sec. 8. That this act shall take effect from and after its passage, and continue in force for fifty years.

Approved December 1, 1871.

CHAPTER CXXIII.

An Act to Amend An Act Approved August 13, 1870, Incorporating the Town of Bremond.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Bremond, be and they are hereby declared to be a body politic and corporate, to be known by the name and style of the town of Bremond, and by that name may sue and be sued, plead and to be impleaded in all the courts of this State, may have and use a corporate seal, and may hold and dispose of property of all kind, real, personal and mixed, in said town.

Sec. 2. That the limits of said corporation shall include all that is embraced within the following boundary lines: North boundary line shall be one mile north of the southwest corner of block eleven of the town of Bremond; east boundary line one mile east of said block eleven; south boundary line one mile south of said block eleven; west boundary line one mile west of said block eleven, said boundary lines to be run north, south and east and west.

Sec. 3. That the mayor of said town is hereby authorized to have said town laid off by the county surveyor, whose duty it shall be to make notes defining its limits, which shall be filed by the mayor in the county court of Robertson county; that said mayor be, and he is hereby authorized to do any act, or perform any duty necessary to carry this act into effect not inconsistent with the Constitution and laws of this State.

Sec. 4. That an election shall be held in said town at the first general election after said town shall have been laid off as provided in section third of this act, for a mayor, a constable, a treasurer, and five aldermen, the first election to be ordered by the mayor or a majority of the aldermen acting at the time of said election; at least ten days' notice shall be given of each election, and the persons elected shall continue in office one year, until their successors are

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duly qualified; provided, that nothing in this section shall prevent the vacancies in said offices prior to such election, being filled in the same manner as may be provided by law, for other vacancies in town corporations.

Sec. 5. That whenever a vacancy shall occur in the office of mayor, there shall be one elected by a majority of the aldermen, to fill such vacancy, and the person so elected shall hold his office until the next general election, or until his successor shall be duly qualified; provided, said person shall be commissioned by the Governor.

Sec. 6. That no person shall be eligible to the office of mayor, alderman, treasurer, or constable, unless a registered voter and a citizen of said town, and no person shall vote in any election in said town unless said person be a registered voter of Robertson county and a citizen of, or a property holder in said town, who shall have resided sixty days in said town, preceding such election.

Sec. 7. That the mayor shall be president of the board of aldermen; that a majority of the members of said board shall constitute a quorum to transact business, and that said board may enact such by-laws for the government of said town, not inconsistent with the Constitution and laws of this State, as may be by them deemed proper and necessary, and may inflict fines for disobedience of the same; provided, that no fine in any case shall exceed one hundred dollars.

Sec. 8. That the board of aldermen shall have and exercise control over the streets and public places of said town; shall have power to levy an ad valorem tax on all fixed and movable property real and personal, within the corporate limits of said town; provided, that said tax shall not in any one year exceed the present State tax on said property; said board of aldermen shall have power to levy and collect a license tax on all occupations taxed by the laws of the State, said taxes shall be assessed and collected by the constable, or in such other manner as the board of aldermen may direct in accordance with the regulating the collection of taxes for the State of Texas.

Sec. 9. That the board of aldermen shall have power to appoint such additional officers as may be necessary, with the regulations of the duties and compensation, and may require of them bond and security to the mayor in such penalty as may be deemed requisite to compel the efficient discharge of such duties as may be assigned them in said town of Bremond.

Sec. 10. That all offenses against the by-laws shall be prosecuted before the mayor; provided, that all persons shall have the right of trial by jury by depositing three dollars as jury fee, or make oath that they are unable to pay such fee; and governed by

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the laws organizing justices' courts; and the constable or his deputy shall execute and return all writs issued by the mayor in the same manner as is provided by law, defining the duties of constable; said constable shall give bond and security as required by law of other constables, said bond shall be recorded in the office of the county clerk of Robertson county, shall have the same power and be entitled to the same fees and such additional compensation as the board of aldermen may allow.

Sec. 11. That in case of the death, resignation or removal of any one of the aldermen, a majority of said board shall have power to fill such vacancy, under such rules and regulations as may be prescribed by the board, until the next general election; provided, such person shall be commissioned by the Governor. Said aldermen shall be entitled to such compensation as may be allowed them by the board; provided, in no case shall the same exceed two dollars per session for each day they may be required to sit as such aldermen.

Sec. 12. That the mayor be and he is hereby invested with all the power and criminal jurisdiction of a justice of the peace within the corporate limits of said town. Said mayor shall be entitled to such fees as are allowed justices of the peace for similar services, together with such other compensation as me be allowed by the board of aldermen.

Sec. 13. That the treasurer shall keep safely all the money of said corporation, shall pay out the same upon the order of the board and shall do such other duties as may be assigned by the by-laws. He shall give bond, with security, payable to the mayor and his successors in office, in such sum as may be deemed proper, conditioned for the faithful performance of his duties, to be approved by the board, said bond to be recorded in the office of the county clerk of Robertson county. Said treasurer shall be allowed such compensation as are allowed county treasurers.

Sec. 14. That there shall be elected by the board of aldermen a secretary, whose duty it shall be to keep correct minutes of the acts of said board in a well bound book or books, to be open at all reasonable times for the examination of any citizen during the same, and a legal voter in said corporation. Said secretary shall receive such compensation as may be allowed by the board.

Sec. 15. That this act, as amended, take effect and be in force from and after its passage.

Approved December 1, 1871.

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CHAPTER CXXIV.

An Act to Incorporate the Trinity River Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James D. Skinner, Thomas Peacock, J. C. Day, Chas. N. Eley, Joseph Richardson, W. B. Williams and A. C. Green, their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name and style of the Trinity River Navigation Company, and by the same name and style they, and their successors, shall be capable of suing and being sued, and maintaining any action to final judgment and execution; and shall be in law capable of purchasing, holding and improving and conveying any estate, real, personal or mixed, for the use of said corporation, with the power to ordain, establish and put in execution such by-laws and regulations as shall be necessary for the government thereof.

Sec. 2. That the object and business of the said corporation shall be the employment and running of a steamboat, or steamboats and barges, in the carrier and passenger trade between the city of Galveston and the town of Liberty, on the Trinity river, and to and from said city of Galveston, and to all, or such other points on said river as may be designated by said corporation, with full and complete power to perform any and every act, and make all contracts needful and proper for the successful prosecution of their business, and the execution of the powers herein granted.

Sec. 3. That said company may erect and build on any land or lands by them acquired, such buildings, structures, engines, machinery and fixtures as may be deemed convenient and proper for carrying on and conducting the business of said corporation.

Sec. 4. That within six months from and after the passage of this act, said corporation shall organize said company by the election, by the stockholders thereof, (each stockholder being entitled to one vote for each and every share of stock by him held and owned,) of a board of directors to consist of seven members, stockholders of said corporation; and the said stockholders, at their first meeting, shall proceed to elect from among their number a president, vice president, secretary and treasurer, which said officers shall hold their said offices until the next annual election of said stockholders, at a time to be by them appointed at their principal office of business. And the said board of directors shall have power to fill all vacancies that may occur by death, resignation or otherwise; and in case of the

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failure to elect annually a new board, then the old board are authorized to hold their place, and transact the business of the said company until their successors are chosen.

Sec. 5. That the board of directors shall be convened at any time at the call of the president, who shall preside over their meetings.

Sec. 6. That the principal office of the said company shall be at the town of Liberty, in Liberty county.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER CXXV.

An Act Authorizing the Mayor and Board of Aldermen of the City of Brenham to Dispose of the Alleys of Said City.

Section 1. Be it enacted by the Legislature of the State of Texas, That the mayor and board of aldermen of the city of Brenham be and they are hereby authorized and empowered to dispose of any or all the alleys in said city, now the property thereof, in manner as hereinafter prescribed.

Sec. 2. That in ten days after the passage of an ordinance by the said board of aldermen, providing for the sale of said alleys, there may be selected four arbitrators, two by the mayor and two by the citizens, either at a public meeting convened for that purpose or by common consent, which arbitrators shall choose an umpire, who, upon a tie, shall give the casting vote. The said arbitrators shall decide upon the value of each and every alley, or any part of an alley, which, for reasons hereinafter provided, it may be found necessary to sell in part, and shall, in writing, notify the mayor of their decision, who in turn shall, by publication for three consecutive weeks in a newspaper published in said city, announce the prices at which the same are to be sold.

Sec. 3. That any person who, prior to the passage of this act has erected any building on, or has enclosed for business or domestic purposes any alley or part thereof, or through whose property or premises any alley or part thereof may run, shall have the right to purchase such alley or part thereof built on or enclosed by him or

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her, which traverses their property as aforesaid; provided, that if, within twenty days after the mayor has publicly offered the same for sale as aforesaid, the said party shall not have complied with the terms of sale as shall be prescribed by the ordinance provided for in section two of this act, then in that case any other party or parties whomsoever shall have the right to purchase and take possession of said alleys or parts thereof, upon complying with the said terms of sale.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER CXXVI.

An Act to Incorporate the Home Insurance and Trust Company of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. D. Johnson, S. H. Gilman, A. Kory, S. K. Labatt, Selim Rinker, W. B. Sorley, Henry Pendleton, S. Heidenheimer, J. K. Speirs and S. W. Sydnor, of the county of Galveston and State of Texas, and their associates and successors be, and they are hereby, constituted a body corporate and politic, under the name and style of the "Home Insurance and Trust Company of Texas," and under said name may sue and be sued, plead and be impleaded, defend and be defended, in all courts whatsoever in this State, and may have and use a common seal.

Sec. 2. That the purposes and objects of this company are to make insurance on dwelling houses, stores and all kinds of buildings; upon household furniture, merchandise and other property, against loss or damage by fire, and the risks of inland transportation and navigation; to make insurance upon vessels, freights, goods, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interest, and to make all and every insurance appertaining to or connected with marine risks and risks of navigation and transportation; to make insurance on the lives of individuals, and every insurance appertaining thereto or connected therewith; and to grant, purchase and dispose of annuities; to make insurance upon the health of individuals, and against personal injury, disablement or death, resulting from traveling or general

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accidents by land or water; and for the more certain security, and more equitable benefits to be derived from such purposes and objects, said company purposes to establish agencies in any or every city, village or county in the State of Texas; every agency with its own local board of trustees, who shall have power and authority to loan the surplus funds of their respective agencies, on approved security, of its own locality, so as to give the insured the fullest benefits of the use of the fund to which they contribute, and by combining the liability of the pripcipal and all agencies to pay any and all losses, while the collective risks may be very large, the local ones must be comparatively so small that the entire destruction of any city or village in the State of Texas shall not affect the solvency of said company.

Sec. 3. That the general office of said company shall be established in the county of Galveston; and in all suits against said corporation, service may be made either upon the president, secretary, or treasurer.

Sec. 4. That the capital stock of said company shall not exceed the sum of two million dollars, divided into shares of twenty-five dollars each, to be subscribed and paid in and the certificates therefor issued in such manner and upon such terms as the general board of directors shall elect.

Sec. 5. That said corporation shall enjoy succession for fifty years, by its corporate name, and shall possess all powers incident to corporations authorized by law. The business of the corporation shall be vested in and managed by a general board of directors of not less than seven nor more than fifteen in number, of whom the president for the time being shall be one; and the said general board of directors shall exercise all the powers of the corporators, and shall hold their sessions at the office of said corporation on the first Monday of every month. The president shall call special meetings of the board of directors by written notice to each one, stating the object of such meeting when requested to do so by written request of any two directors, stating the object of such meeting, and no other business but that so specified shall be legally transacted at such special meeting.

Sec. 6. That the board of general directors shall be elected from among such shareholders as hold twenty shares of the capital stock of said company, either in their own names or in the names of their wives or wards, and no person not possessing said qualifications shall be elected to or serve as a general director of said company. The qualified electors for said general directors shall consist of all persons who hold ten shares of the capital stock of said company; and for every ten shares held by any person, such person shall be en-

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titled to vote one vote at the annual election for general directors. Also, such persons as hold life policies from said company for the sum of five thousand dollars or more, shall be qualified thereby to cast one vote at the annual election for general directors, but no person not qualified as aforesaid shall be entitled to vote for general directors. In all elections for general directors votes may be given by proxy, but no person shall vote on any shares of stock transferred within sixty days prior to the election. Members of the board of general directors shall in all cases be eligible for re-election.

Sec. 7. That there shall be an annual election for the board of general directors on the first Monday after the first day of January of each year, at the office of the corporation, from the hours of ten A. M. to two P. M., by four of the general directors, appointed by the board to preside at, and manage said election. Notice thereof shall be given by order of the president, in one or more daily papers, published in the county of Galveston, during three weeks prior thereto; and the general directors, thus elected, shall hold office one year, or until their successors are elected and qualified. In case of failure to elect the board of general directors, on the aforesaid regular day, then the president shall order another election fourteen days thereafter, due notice being given by advertisement in one daily paper one week prior thereto, and in case of a second failure, the old board of general directors shall serve another full term of one year, and until their successors are elected and qualified.

Sec. 8. That all elections of general directors shall be by ballot, and in all elections those persons receiving a plurality of votes of the qualified electors voting, shall be considered duly elected.

Sec. 9. That every vacancy in the board of general directors, caused by resignation, death, or otherwise, shall be filled by the board for the unexpired term of such vacancy. A quorum of five general directors, besides the presiding officer, shall be requisite for the legal transaction of any business of the corporation; provided, that, if from any cause whatever, the number of general directors shall be reduced to less than five, then, in that case, three shall constitute a legal quorum, to fill vacancies in their board only. The president shall have a vote on all questions, and, in case of a tie, shall have a casting vote.

Sec. 10. That the board of general directors shall at their first meeting elect a president, who shall be elected from among themselves, and shall hold office for the time that he was elected a director, and until his successor is elected. He shall preside at all meetings of the board, and conduct the business of the company generally, under their supervision. The board may also elect a vice president from among themselves, who shall serve for the time he

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was elected a director. In case of the absence of the president and vice president from a meeting of the board, they shall elect a president pro tempore to preside at such meeting. The board of general directors shall also elect a secretary and treasurer, and such other officers as the business of the company may require.

Sec. 11. That all of the general directors of said company shall be eligible to hold any office in the company, and any number of offices may be held by one person that the board may elect until the business of the company shall require one person for each office. All officers of said company whose term of office has not been hereinbefore defined shall hold office during good behavior and capacity to fill such office; provided, that a majority of the directors shall have power and authority at any time to remove any officer of the company for cause.

Sec. 12. That the general board of directors shall have the general care and oversight of the business and interests of the company, and may make by-laws for their own government and for the management and regulation of the business of the company, and for regulating all elections. They shall have power, subject to the provisions of this charter, to create departments and agencies of the company, and to enter into contracts with the same, and with the individuals comprising them, to appoint and commisssion trustees, and to make rules and regulations for the management of the business of the departments and districts, and for directing the operations of boards of trustees and of trustees and agents. They shall also have the control and management of the home department. Said board shall have power to elect its own officers, who shall be the officers of the company, and to appoint general managers of the departments, and to fix the compensation of such officers and managers, and to enter into contracts for the company with agents and employes, and at any time to remove from office and position as trustees all officers and trustees who shall be guilty of conduct calculated to injure the company, and to elect others in their places. They shall also provide for and direct the investment and reinvestment of the funds and safe keeping of the moneys and securities and other property of the company. Said board may also delegate such powers and authority and impose such duties in addition to those mentioned in this charter as they may deem advisable upon the officers of the company; and in general may do and perform all other acts and things needful and necessary to be done and performed by said general board of directors in carrying out the objects and purposes, and in advancing the interests of said company.

Sec. 13. That when two thousand shares of the capital stock of the company are subscribed and paid up, said company is hereby

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authorized to commence business by establishing an office in Galveston county and doing a general insurance business, as hereinbefore stated in section two; and to make contracts, issue policies, and do all other acts necessary in carrying on such business; to charge and receive such premiums, commissions and compensations for the risks taken and the business done as the president and board of general directors may deem just; to loan money or bottomry and respondentia security at marine interest; to deal in bullion, stocks and public securities; to make loans on real estate, stocks and personal property; discount notes and acceptances; buy and sell bills of exchange; receive money on deposit, and to use its capital and funds in any other lawful manner.

Sec. 14. That said company shall have power to purchase real estate for its own purposes; to lease, mortgage, sell and convey, or to create any other form of lien upon the property of said company, real, personal or mixed, by a vote of the board of general directors, as herein provided, by deed, lease, mortgage or any other instrument of writing in due form of law, signed by the president and secretary and attested by its seal.

Sec. 15. That said company is hereby authorized to establish agencies in any or in every county in this State, whenever one thousand shares of the capital stock of said company shall be subscribed for each or any one respective agency; said agency to be governed by its own local board of trustees, elected from among and by its stockholders, having the same qualifications as required for the board of general directors, and for their electors as hereinbefore specified in section six. Each agency board of trustees shall have authority to loan its surplus capital and funds to residents of its own district, on mortgage of improved real estate, to amount of one-third of its value; provided, that no loan shall be made on homestead property, nor on buildings not insured in some of the offices of this company; and to make such by-laws for their own government and business, as shall not conflict with this charter, or with such rules and regulations as shall, from time to time, be adopted by the general board of directors.

Sec. 16. That the entire property and assets of the principal, and all agencies, shall be alike liable for all losses incurred by each in every district. All policies shall issue from, and all losses be adjusted and paid, at the principal office in Galveston county, by advice of and concurrence with the local board of trustees of the district in which the loss occurs. On the first day of every month every board of trustees shall, through their proper officers, make a return to the secretary of the principal office in Galveston county, of the exact condition of their agency at that date, with a remittance

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of forty per centum of their gross receipts for the month previous; and should said forty per centum be, at any time, insufficient to meet losses and expenses, each agency shall pay such additional assessments as may be required by the board of general directors.

Sec. 17. That all assets, including the money, notes, bonds, mortgages, deeds of trust, and other securities of the company, shall be under the control of the general board of directors, and in custody of the treasurer, or of such other person or persons as the general board of directors may appoint.

Sec. 18. That semi-annually, on the first days of January and July of every year, the general board of directors shall make a statement of the exact condition of the company, inclusive of all agencies, which statement shall be sworn to by the president and secretary, and published not less than three times in two daily papers in Galveston, and in every locality where there is an agency, or in the nearest paper to each agency; and should such statement show a sufficient net surplus from the business of the previous six months, after placing such a sum to the reserve fund as the existing liabilities may demand, the board of general directors shall declare a dividend of all of such surplus as has been derived from fire and marine, and one-half of that derived from life risks, on the entire stock certificates issued; and the remaining one-half derived from life risks shall be divided equally on the life premiums paid up to the six months previous; provided, that no dividend shall be paid to the stockholders exceeding twenty centum per annum.

Sec. 19. That all losses on fire and marine risks shall be paid out of premiums received for those risks, or out of the capital paid up; and that all losses on life risks shall be paid out of premiums received for such, or out of the capital paid up.

Sec. 20. That the corporators hereinbefore named in section 1, are hereby constituted the first board of general directors, to hold office until the annual election, as hereinbefore provided, on the first Monday after the first day of January, 1873.

Sec. 21. That as soon as practicable after the passage of this act the corporators hereinbefore named shall meet at some place in Galveston county, and organize said "Home Insurance and Trust Company of Texas," by the election of a president, vice president, secretary and treasurer; that the officers designated by the board shall then be empowered to open books for subscription to the capital stock of said company; that all certificates issued for the same shall be signed by the president and secretary, and attested by the seal of the company; and that when two thousand shares shall have been so subscribed and the amount paid up, said company may commence busi-

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ness as hereinbefore provided by section 13, and under the general provisions of this charter.

Sec. 22. That this act shall be in force from and after its passage.

Approved December 1, 1871.

CHAPTER CXXVII.

An Act to incorporate the Odd Fellows' Hall Association of Bryan, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That William McIntosh, J. W. Boyles, R. A. Blanford, Thomas McCarty, T. T. Smothers, H. S. Newland, H. T. Donnard, T. S. Snow, A. M. Dechman and John J. Kimbrough, and their associates and successors in office, be and they are hereby created and established a body corporate and politic under the name and style of the Odd Fellows' Hall Association, with capacity in said corporate name to make contracts; to hold, buy and sell property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds, mortgages and deeds of trust; to have succession and a common seal; to make by-laws for the government and regulation of its affairs; to sue and be sued, to plead and be impleaded; to declare dividends and make divisions of property; to loan its moneys to any person or persons in such way as it may think proper, and to do and perform all things as it may think necessary and proper for and incident to the fulfillment of its obligations and maintenance of its rights under this act, and consistent with the laws of this State; provided, that nothing in this act shall be so construed as to authorize this corporation to use its money or other effects in any manner which it may not be lawful for any citizen of the State to do.

Sec. 2. That the officers and managers of this association shall consist of seven directors to be elected by the shareholders, four of who shall be resident members of the Independent Order of Odd Felllows of Bryan, Texas, and in good standing as such, and all of whom shall be elected by the said shareholders on a voting basis to be determined by the by-laws—one president, one vice president, one secretary and one treasurer, to be elected by the directors from among the said shareholders as provided by the by-laws of said as-

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sociation. Such officers shall receive such compensation for their services as the by-laws may provide, and their term of office shall be for one year, subject to removal in such manner as the by-laws may prescribe.

Sec. 3. That the minimum capital stock shall be five thousand dollars, with the privilege of increasing the same to two hundred thousand dollars.

Sec. 4. That this association shall not own or possess at any one time real property in the State of Texas exceeding one million of dollars in value.

Sec. 5. That the capital stock of five thousand dollars shall be divided into five hundred shares of ten dollars each, payable in monthly installments of one dollar per share per month; and no shareholder shall be required to make payment of instalment of his stock other than as herein required.

Sec. 6. That should any shareholder of the corporation fail, refuse or neglect to pay or cause to be paid his regular monthly instalments, his stock shall be forfeited to the association; provided, that by and with the consent of the directory, for good cause shown, such delinquent shall be allowed sixty days to redeem such stock thus forfeited, he or she paying interest thereon at the rate of one per centum per month on the amount so due.

Sec. 7. That in case any share or shares of stock should become forfeited, in accordance with the foregoing provisions, the board of directors shall dispose of the same in such manner as the by-laws may direct.

Sec. 8. That whenever five hundred shares shall have been subscribed, and one months' instalment paid in, the association shall be deemed organized, and competent to transact business under this charter, and be entitled to all the grants and privileges hereunder.

Sec. 9. That service of any and all legal proceedings in any suit or proceeding against said corporation, shall be sufficient, if made upon the president or secretary of the board of directors, or if both shall be without the limits of this State, then such service shall be had by publication, as by law provided in such cases.

Sec. 10. That this charter or act shall remain in full force and effect from and after the date of its passage, and for and during the period of ninety-nine years.

Approved December 1, 1871.

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CHAPTER CXXVIII.

An Act to Incorporate the Town of Comanche, in Comanche County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Comanche, Comanche county, be and they are hereby declared a body corporate and politic, under the name and style of the corporation of the town of Comanche, and by said corporate name shall have power of suing and being sued, pleading and being impleaded, and of holding and disposing of personal and real estate within the limits of said corporation.

Sec. 2. That the lines of said corporation shall run as follows, viz.: Beginning at a point on Indian creek, at the spring on the Ben Clark survey, near the residence of F. M. Brown; thence north to the northeast corner of the town donation tract; thence west to the east boundary line in the name of James D. Wright; thence south to Indian creek; thence east with the meanderings of said Indian creek to the beginning.

Sec. 3. That it shall be the duty of the citizens, qualified voters under the Constitution and laws of this State, who reside in the foregoing territory, to elect a mayor, four aldermen, a town marshal, and a recorder, and that said election shall be held within sixty days from and after the passage of this act, ten days' notice of election being given; that the presiding justice shall direct said election, appointing suitable citizens to act as judges, and shall give the notice required in this act; that annually, from the date of said election, the mayor shall give ten days' notice and order election of successors in office. In case of vacancy by death, resignation, or otherwise, the mayor and aldermen shall elect to fill such vacancy.

Sec. 4. That the recorder shall act as assessor and collector of corporation taxes in said corporation, and shall give such bond as may be required by the mayor and aldermen. The mayor and board of aldermen shall appoint one of their body to act as treasurer, who shall give such bond and be governed by such ordinances as may be enacted by said body; and shall pay out the funds of said corporation on the order of the mayor, approved by a majority of the aldermen.

Sec. 5. That all qualified voters, under the Constitution and laws of the State, shall be allowed to vote in the election of officers for said corporation, and that no one shall be eligible to the office of

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mayor, aldermen, marshal or recorder unless he is a citizen of the corporation, and entitled to vote under the Constitution and laws of this State.

Sec. 6. That it shall be the duty of the mayor and aldermen to pass ordinances, not inconsistent with the Constitution and laws of this State, for the regulation of the police, and the preservation of order and law within the corporate limits of said town; for removing nuisances; keeping the streets in order, and for the protection of the lives, health, peace, and property of the citizens in said corporation, and to prescribe penalties for the violation or said ordinances.

Sec. 7. That by a two-thirds vote of said corporate authorities, they shall have the right to levy and collect a corporation tax, which shall not exceed one-half of the State tax, according to valuation of property, and when a meeting of said corporate authorities is called for this purpose, it shall be so stated in the notice. Said corporate authorities shall have the right to establish schools in the corporation, and for this purpose may levy and collect a tax not to exceed one-half of the State tax on all circuses, shows, exhibitions of legerdemain, or other public exhibitions occurring in said corporation, where the parties charge for admittance into the same—save and except such as may be for charitable purposes. If deemed necessary, the corporate authorities may appropriate, by a two-thirds vote, the funds arising under the latter clause of this section for city purposes.

Sec. 8. That said coporation is empowered to pass all needful rules and regulations; provided, they are not inconsistent with the Constitution and laws of this State; and in cases of riots or disturbances of the peace shall have the right to summon and call out such posse as may be necessary to preserve order. The mayor of said corporation shall have such jurisdiction and exercise such powers in criminal matters as may be provided by law.

Sec. 9. That the mayor, aldermen, recorder and marshal shall receive such fees of office as may be provided by the city council.

Sec. 10. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

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CHAPTER CXXIX.

An Act to incorporate the Northwestern Texas Land Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. A. McNeil, James D. Martin, W. G. Brockett and A. H. H. Toler, of the county of Erath, and their associates and successors, be and the same are hereby constituted a body politic and corporate, under the name and style of the Northwestern Texas Land Company, and by that name shall have succession, and may sue and be sued; plead and be impleaded; have and use a corporate seal, and hold property, real, personal and mixed; may contract and be contracted with; and make all rules and by-laws that may be deemed necessary for the government of said company; and have and exercise all the rights and powers generally incident to such corporations in the State of Texas.

Sec. 2. That the said company shall have the right to buy and sell land; to locate land certificates and to perfect titles; to pay taxes for non-residents; and to enable them the better to carry into effect the provisions of this act, the said corporation shall have the right to receive money on deposit; to buy and sell, draw or negotiate bills of exchange or other securities.

Sec. 3. That the president and directors of said corporation shall have full power to pass such by-laws as may be deemed necessary to carry this act into effect; to delegate authority to such officer or agent as they may think proper, and to execute or authorize the execution of all such bargains and contracts as to them may seem for the best interest of the corporation. And it is provided that a majority of the board of directors shall constitute a quorum for the transaction of business.

Sec. 4. That this charter shall continue for thirty years, and this corporation shall be responsible to the extent of its property both real and personal, and the company shall be subject to such rules and rates of taxation as are by law imposed upon individuals engaged in like pursuits.

Sec. 5. That the capital stock of the company shall not exceed one hundred thousand dollars.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

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CHAPTER CXXX.

An Act to incorporate the Bryan Manufacturing Company of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Geo. D. Haswell, S. D. Conger, Frank Clarke, and their associates and successors, be, and they are hereby created a body corporate and politic, under the name and style of the Bryan Manufacturing Company, and in their corporate name and capacity to own, build, purchase and erect buildings and machinery of all kinds, necessary for manufacturing purposes, incident to their legitimate busines, as a cotton seed and palma christi oil manufacturing company, and to own, receive and purchase any real or personal estate necessary for the erection of buildings etc., for the manufacture of cotton seed and palma christi oil, oil cake, or other uses for which cotton and palma christi seeds may be used; to make contracts; to have succession and a common seal; establish by-laws for their government, and in their corporate name to sue and be sued, plead and be impleaded; to grant and receive, and to do all and any such acts and things as may be necessary and proper for the performance of the objects of the corporation, and the maintenance of their rights under this act, and as may not be inconsistent with this act, and the Constitution and laws of the United States and of this State.

Sec. 2. That the capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of one thousand dollars each, which said shares shall be deemed personal property, and the holders thereof to constitute the said company. Said stock shall be transferable in such manner as may be provided by the by-laws of said company.

Sec. 3. That the business of said company shall be vested in a board of directors, to be elected by the stockholders annually, of not less than three, nor more than seven, one of whom shall be, by said board of directors or managers, elected president. Until further organized, Geo. D. Haswell shall be the first president, and shall call a meeting of the stockholders at such time and place as he may deem proper, for the further organization of the company.

Sec. 4. That the board of directors may elect such other officers as they may deem necessary, and give them such powers and duties as they may deem necessary; provided, that no person shall be a director unless he be a stockholder in said company; and provided, further, that the powers and duties of such offiers shall not

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be inconsistent with this act. A majority of the board of directors shall constitute a quorum to do business.

Sec. 5. That said corporation shall be entitled to any bonus, loan, or exemption from taxation or other benefit granted to any individual or corporation for similar purposes by any general law of the State of Texas now in force, or that may be hereafter enacted.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER CXXXI.

An Act to Authorize David Colley, his Associates and Successors to Construct, own and keep a Toll Bridge on White Oak Bayou, in Titus County.

Section 1. Be it enacted by the Legislature of the State of Texas, That David Colley, and such persons as he may associate with him, and their successors, be and they are hereby authorized and empowered to construct, own and keep a toll bridge over and across the stream known as White Oak bayou, in the county of Titus, at the crossing known as Dabb's bridge crossing, on said stream, on the road leading from Paris, Lamar county, to Mount Pleasant, in Titus county.

Sec. 2. That said Colley, his associates and successors, shall be required, in order to be entitled to the privileges herein granted, to have a good, substantial and safe bridge above high water mark, completed and in condition for crossing wagons, stock and persons, within the space of six months from the passage of this act, and in addition thereto, shall be required to keep the main road through the bottom, adjacent to said stream, in such condition as will allow the passage of wagons when the same is not overflowed.

Sec. 3. That when said bridge is complete, said Colley, his associates and successors, shall be authorized to demand, receive and collect the following tolls, viz.: For every wagon drawn by four or six horses or more, or oxen, or more, sixty cents; for every wagon or other vehicle drawn by two horses or oxen, forty cents; for every wagon or other vehicle drawn by one horse or ox, twenty-five cents; for every man and horse, ten cents; for horses or cattle, per head, five cents; for hogs or sheep, per head, three cents.

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Sec. 4. That this act shall take effect from and after its passage and continue in force for twenty-five years.

Approved December 1, 1871.

CHAPTER CXXXII.

An Act to Incorporate the Pecos Irrigating, Manufacturing and Live Stock Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James Speed, J. S. Magee, S. W. Hunter, J. J. McGehee, Geo. Sayers Wicks, Joseph H. Richards, L. M. Lacy and W. J. Locke, and their associates, successors and assigns, be, and are hereby, created a body politic and corporate, under the name and style of the "Pecos Irrigating, Manufacturing and Live Stock Company," with succession for ninety-nine years, and a common seal, having capacity to sue and be sued, plead and be impleaded, to make contracts, buy, hold, sell and convey real, personal and mixed property; to make and enforce by-laws, rules and regulations for its government, and generally to do and perform all such acts not inconsistent with the Constitution and laws of the State of Texas, and of the United States, as may be necessary to carry out the objects of this charter.

Sec. 2. That said company shall have the right to make canals, ditches, aqueducts, dams, and all other improvements necessary to the irrigation of the valley of the river Pecos, between the thirty-first and thirty-second parallels, of north latitude, and the tributaries of said river, within said boundary, with full power to construct, own and maintain reservoirs and tanks, for the purposes of propelling machinery for mills, cotton and woolen factories, and other manufacturing establishments, for the subsistence of stock, and for farming purposes.

Sec. 3. That the capital stock of said company shall be three hundred thousand dollars, with power to increase the same to three millions, and shall be divided into shares of one hundred dollars each, each share entitled to one vote, in person or by written proxy.

Sec. 4. That the officers of said company shall consist of not less than five nor more than eleven directors, one of whom shall be elected president of the company, and a secretary and the treasurer, who shall be elected by the board of directors; and the treasurer

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shall give bond to the board of directors, in such sum as they may designate, for the faithful performance of his duties.

Sec. 5. That the persons named as incorporators in the first section of this act, or any five of them, are hereby authorized to temporarily organize the company, and may open books for subscriptions to the capital stock, at such times and places as they may see fit, and when the capital stock shall have been taken, and the per centage, determined on by the board of directors, has been paid in, they shall call a meeting of the stockholders; provided, that the permanent organization of said company shall be completed on or before the first day of January, A. D. 1873; and provided further, that said company shall commence work, in accordance with the provisions of this act, within one year from the date of the permanent organization thereof, and, in case of failure so to do, this act shall become void, and of no effect.

Sec. 6. That said company is authorized to introduce emigrants, heads of families, and single men, to be settled upon any lands owned or leased by said company, and any contracts for said emigration, should any question arise, either on the part of said company, or the emigrants, shall be adjudicated and enforced as other contracts, by the proper tribunals of this State.

Sec. 7. That for the purpose of constructing said canals, ditches, aqueducts, dams, reservoirs, tanks, mills and factories, said company shall have the right to make preliminary surveys to determine the location of the same, over any lands whatsoever, and shall have the right of way over any lands whatsoever, to a width of two hundred feet, for canals, ditches and aqueducts, and such other land as may be necessary for the other purposes of this charter, said right of way and the possession of all lands for the purposes herein mentioned, to be obtained according to the laws of the State, regulating the right of way and possession of lands, in cases of railroads and other works of internal improvements.

Sec. 8. That the principal office of said company shall be located at San Antonio.

Sec. 9. That this act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

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CHAPTER CXXXIII.

An Act to incorporate the Young Men's Irish Benevolent and Literary Association of Galveston, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That George Fox, Leslie Thompson, junior, James J. Murphy, J. M. Harrison, Christopher Fox, junior, John Pemy, Michael Hargrave, P. D. Hickey, Patrick Dougherty, Michael Nolan, James E. Gallagher, Patrick Welsh, Bernard Curry, John Bywaters, John Thornton and James Coyle, together with such persons as they may elect as their associates and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of the Young Men's Irish Benevolent and Literary Association of Galveston, Texas, and by that name they may sue and be sued, plead and be impleaded, prosecute and defend in any of the courts of the State; may contract and be contracted with; may have a common seal, and the same may make, break, or alter at pleasure; may acquire, have and hold property and estate, real, personal or mixed, by gift, devise, purchase or bequest (not to exceed in value at any one time one hundred thousand dollars), and the same to buy, sell, exchange, mortgage, transfer, pledge, or otherwise encumber or alienate, as said association may deem expedient; and in general to manage and control in such manner as said association may think proper.

Sec. 2. That said association shall make a constitution and by-laws for its government, and shall have power to alter or amend the same at pleasure; and to pass such laws, by-laws and regulations as may be necessary to carry out and effectuate the intentions and purposes of said association; and shall in general have and exercise all such rights, privileges and immunities as are by law and custom incident to and necessary for corporations of a similar character.

Sec. 3. That this association, by the name and style aforesaid, is created for the mutual improvement of the members thereof in virtue, good morals, literature, sciences, arts and general knowledge, for benevolent and charitable purposes, that proper aid and relief may be extended to the sick, destitute and disabled members thereof, their widows and orphans, and the better and more efficiently to aid, succor and relieve those Irish immigrants who seek to make their homes in Texas, and who stand in need of such aid, succor and relief.

Sec. 4. That the officers of said association shall consist of one

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president, two vice presidents, one recording secretary, one corresponding secretary and one treasurer, who shall hold their offices for one year from their election, or until their successors shall be duly elected and qualified. The qualifications, duties, mode and manner of election of said officers shall be prescribed by the constitution and by-laws of said association.

Sec. 5. That within thirty days after the approval of this act by the Governor, the above named incorporators shall meet, and proceed by ballot to elect officers, whose terms of office shall begin the day of their election, and shall expire on the seventeeth day of March, 1873. That the next election of officers after the first election prescribed above, shall take place on the seventeenth day of March, A. D. 1873, and annually thereafter on every seventeenth day of March. That whenever a vacancy shall occur in any of the above specified offices, by death, resignation or removal, the vacancy shall be filled by special election, at such times as the said association may determine.

Sec. 6. That this shall continue and be in force, unless it be renewed or extended, for fifty years from and after its approval by the Governor.

Approved December 1, 1871.

CHAPTER CXXXIV.

An Act to Incorporate the Tyler Tap Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. H. Brown, A. W. Ferguson, S. H. Boren, E. F. Shackelford, R. B. Hubbard, W. W. Grinnan, W. H. Cousin, Peter Marsh, S. L. Earle, John M. Wiggins, Harvey Yarbrough, G. W. Whitmore, R. K. Gaston, Z. Norton, Joshua Starr, A. A. Holt, W. J. Goodman, J. F. Rasbury, William Green, E. P. Jarvis, J. J. Flinn, O. Loftin, M. Wood, J. F. Overton, Thomas A. Flewellen, Jo. P. Douglass, J. S. O. Brooks, J. W. Ashcraft, George Adams, George Yarbrough, H. V. Hamilton, B. K. Smith, Thomas Smith, W. H. Park, F. W. Holland, W. C. Scott, J. G. Woldert, Willis Roberts, S. D. Gibbs, F. A. Gary, T. W. Jones, F. A. Godly, Ed. Sharp, A. J. Swann, W. S. Herndon, J. C. Robertson, G. M. Johnson, W. G. Cain, A. Niblack, J. W. Butler, Thomas J. Jennings, F. M. Hays, T. Albertson, M. L. Fleishel, E. H. Wells, Thomas G.

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Erwin, S. T. Newton, B. G. Duval, John L. Henry, J. W. Wooten, W. B. Funderbury, J. M. Patterson and B. N. Boren, be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation hereby created, to be styled the Tyler Tap Railroad Company.

Sec. 2. That a majority of said commissioners shall constiute a board for the transaction of business, and said commissioners shall hold meetings from time to time until directors shall be elected and enter upon the duties of their office, as hereinafter provided.

Sec. 3. Said board of commissioners shall, at their first meeting, appoint an executive committee, to consist of five members of their body, and a competent clerk, who shall, when said board is not in session, transact such business as may be directed by the board, which the board itself could transact.

Sec. 4. That at the time of subscription to the stock of said company five percentum of the amount subscribed shall be paid in on such share subscribed for, unless otherwise provided by said commissioners or the directors of said company.

Sec. 5. Subscriptions of shares in the capital stock of said company may, at the discretion of said directors, be received on stipulation to be paid for in land, or labor or materials for the construction of said road, or the accompanying telegraph line, under such regulations as they may prescribe.

Sec. 6. That the subscribers to the capital stock of said company are hereby constituted and created a body corporate and politic, under the name and style of the Tyler Tap Railroad Company, with capacity to contract, to sue and be sued, to plead and be impleaded, to have succession and a common seal; to grant and receive; to purchase or receive, by donation or subscriptions of their stock, real estate, and to hold or to sell and convey the same, or lease, or otherwise dispose thereof, within the scope and object of their creation; to make and enforce by-laws; and to do and perform all things necessary and proper to effect the object of their creation, and to maintain their rights under this act.

Sec. 7. The capital stock of this company shall be one million of dollars, divided into shares of fifty dollars each, each share to entitle its holder and owner to one vote in each and every meeting of the stockholders of said company and at each election by the same; and a majority of the stock shall govern, except in matters otherwise legally regulated. That said shares of stock shall be deemed personal property, and shall be transferable, but only on the books of the company.

Sec. 8. The direction and control of said corporation and its affairs shall be vested in a board of not less than seven nor more

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than nine directors, to be chosen by the stockholders at annual meetings, the first of which shall be held, after reasonable public notice of the time of holding it, given by said commissioners, in the town of Tyler, in the county of Smith, whenever twenty-five thousand dollars of said capital stock shall have been subscribed for.

Sec. 9. A majority of said directors shall constitute a quorum to do business; and at their first meeting they shall elect one of their number president, and another vice president of said board of directors. Said board shall appoint a secretary and treasurer and other requisite officers and agents to carry on the work and business of said company.

Sec. 10. The said company, when duly organized, shall be and is hereby invested with the right of locating, constructing, owning, operating and maintaining a continuous line of railway, with a single or double track, as well as telegraph line, from the said town of Tyler to such point, not exceeding forty miles from said town of Tyler, on either the Southern Pacific Railroad, the Houston and Great Northern Railroad, or the International Railroad, as the directors of this company may select for intersection by the tap road hereby authorized to be constructed, together with such turnouts, branches and sidings or switches as this company may deem it their interest to construct.

Sec. 11. Any agreement in writing to subscribe for stock in this company may be enforced as other valid contracts, according to its terms; and unless payment be made according to its terms, the said directors, after thirty days' due notice may sell said delinquent stock, and transfer the same to the purchaser thereof.

Sec. 12. The State of Texas hereby grants to said company the right of way, to the extent of two hundred feet in width, over all lands in the State belonging to her, along the line of its railroad, for the tracks thereof, and the use of such amount of said lands as may be actually necessary for sidings, turnouts, depots, station houses and machine shops, and for the location and maintenance of wells, water tanks, and other necessary buildings incidental to its uses and purposes in the construction and operation of said railway; also, the right to take from all lands belonging to the State, within five miles of the located line of said road, such timber, rock, earth and other materials as may be needed for the construction and operation of its railroad; also, the right to cross and bridge all rivers and water courses, without regard to their navigation, and to construct, operate and maintain ferries along the line of said railroad and telegraph.

Sec. 13. It shall be lawful for said company to enter upon, purchase or otherwise receive, take or obtain, and hold any lands

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necessary for the purpose of locating, constructing and maintaining said railway and telegraph line, by complying with the provisions of the general laws of this State.

Sec. 14. Said company shall have the right to cross all public highways and all railways, that it may be necessary to cross, in establishing their said railroad.

Sec. 15. Said company shall have power to borrow money, issue bonds or other bills of credit, with or without mortgage; provided, the same is authorized by a vote of two-thirds of the directors, sanctioned by stockholders representing a majority of the stock of the company, at an annual or called meeting, and if at the latter, after thirty days' notice thereof; and generally this company shall have all power requisite to carry into effect its herein declared objects.

Sec. 16. The annual meetings of the stockholders of this company shall be held at their principal office in said town of Tyler on the first Tuesday in December, in each and every year, at each of which meetings the stockholders shall proceed to elect the directors, who shall hold ther office for one year or until the election and qualification of their successors. No person shall be one of said directors who is not the owner of at least ten shares of the capital stock of said company while holding said office of director.

Sec. 17. The said railway shall be constructed of a width of gauge not exceeding that of the railway which this company may elect to tap, and not less than twenty-four inches. Said railroad shall be substantially built and fully equipped for passengers travel and for the carrying of freight.

Sec. 18. This charter shall remain in force for the period of ninety-nine years from the date of the completion of the said railway; and this company shall be entitled to receive such advantages, loans or other assistance as the State may by any general law grant to other railway companies or any of them.

Sec. 19. This company shall have the power to charge and collect such rates of freight and passage as the company may deem just and proper; provided, however, such charges do not exceed the charges legally established on other Texas railroads.

Sec. 20. This company shall select its point of intersection of the railroad it may elect to tap. Whenever the railroad so to be tapped shall arrive at a place at which this company may determine to join it with the said tap railroad; and this company shall, within twelve months thereafter, locate its road and commence the work of its construction, and shall complete said work and equip said road and put it in good running order, within three years from the time of the location of said tap railroad.

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Sec. 21. That this act shall take effect and be in force from and after its passage.

Approved December 1, 1871.

CHAPTER CXXXV.

An Act to Amend an Act Entitled An Act to Incorporate the Eastern Texas Railroad Company, Approved January 10, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two of the above entitled act shall be so amended as to read as follows: "Sec. 2. That said company be and is hereby invested with the right of locating, constructing, owning and maintaining a railway and telegraph line, commencing at some convenient point on Sabine Pass, in the county of Jefferson, and thence running along the line of the road graded by John Stamps, Charles H. Alexander and Samuel H. Witmer, or which may be graded up to the time of the organization of said corporation or body politic, under the subsequent provisions of this act, thence in a northerly direction east of the Trinity river by such line and such course as the company may determine, to some suitable point in the county of Grayson, the said line to run through the counties of Jefferson, Hardin, Tyler, Angelina, Nacogdoches, Rusk and Smith, and through or within one-half mile of the towns of Woodville, Nacogdoches, Henderson and Tyler, by such course and line as the company may deem most advisable for the interest of the company and speedy completion of the line of railroad."

Sec. 2. That section six of said act be so amended as to read as follows: "Sec. 6. That the affairs and business of said company shall be conducted and managed by a board of directors, not less thn five nor more than nine in number, who shall be elected at the general meeting of the stockholders, to be held annually. They shall hold their offices for the period of twelve months, and until their successors are elected. The time for the first election shall be appointed by the commissioners named in this act, thirty days' notice of which shall be given; and should the stockholders fail annually thereafter to meet and elect directors as aforesaid, the directors in office shall appoint a day for a special election giving like notice. No person shall be eligible as a director, unless

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he be the owner of ten shares of the capital stock. The said board shall elect a president from their number, fill vacancies, appoint a treasurer and secretary, and such officers as they may deem necessary, and require security for the faithful performance of their duties; also, prescribe the time for the payment of instalmens or duties; also, prescribe the time for the payment of instalments or assessments, and to do, or cause to be done, all other acts or things which they may deem necessary or proper in conducting the business of said company, not in contravention of this act nor of the Constitution and laws of this State. A majority of said board of directors shall constitute a board for transacting business. Instruments of contracts in writing authorized by the company shall be signed by the president and countersigned by the secretary, with the seal of the company affixed; and the order or resolution of the board of directors, authorizing the instrument or contract in writing, shall be inserted in said instrument or contract. Such instrument or contract shall not be inconsistent with the general railroad law now existing or that may hereafter exist. That said company shall be bound by the parol contract made by their authorized agents, acting within the scope of the authority conferred by resolution of the stockholders or directors."

Approved December 1, 1871.

CHAPTER CXXXVI.

An Act to Incorporate the Marion County Bayou Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. W. Johnson, W. G. Robinson, J. K. Lawrence, J. A. McMillan, M. Marsh and C. M. Campbell, together with such other persons, corporations and companies as may be associated with them, and their successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of the Marion County Bayou Navigation Company, with full capacity under said corporate name to make contracts, to sue and be sued, to plead and be impleaded, to have succession, to have and use a common seal, to make and alter by-laws, to hold real estate and personal property, to take grants and gifts, and generally to do and perform all things necessary and proper to be done to carry into effect the ob-

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jects of this incorporation, and the rights, privileges and immunities accruing under this act, not inconsistent with the laws of this State or of the United States.

Sec. 2. That the capital stock of said company shall consist of one thousand shares of one hundred dollars each, and each share shall entitle the owner thereof to one vote, either by himself or by written proxy, at any general meeting of the stockholders. Said shares shall be deemed as personal property, and may be transferred, under such rules as may be prescribed by the directors; provided, that all such transfers shall be recorded by the secretary in a book to be kept for that purpose.

Sec. 3. That the government and direction of the affairs of said company shall be vested in a board of five directors, and they shall elect one of their number president, who shall hold his office for the term of one year from the date of his election, or until a successor is duly elected. The first named corporators in this act shall constitute the first board of directors, who shall hold office for one year, until their successors are duly elected by the stockholders, at a regular meeting held for that purpose; and the first general meeting shall be holden at the city of Jefferson, in Marion County, Texas, in one year from and after the passage of this act. The directors shall have power to appoint a secretary and treasurer, and said treasurer shall give such bond for the faithful performance of the duties of his office as may be prescribed by the board of directors. The board of directors may appoint such other officers and agents as may be necessary and common to private corporations. All contracts made by said company shall be signed by the president and countersigned by the secretary, and bear the impression of the seal of the company. No person shall be eligible as a director who does not own at least ten shares of the capital stock of said company; and at any general election by the stockholders, no person shall be declared elected a director unless he shall have received a majority of all the votes cast. It shall be the duty of the board of directors to frame the by-laws of said company. Should any vacancy occur, by death or resignation, in the board of directors, the president by the secretary may convene a special meeting of the stockholders to elect a member to fill the vacancy for the unexpired term. The stockholders shall hold one general meeting every year, and the time of such general meeting shall be fixed in the by-laws.

Sec. 4. That said company shall, within six years from and after the passage of this act, remove the trees, stumps, logs, and other impediments to the navigation of Big Cypress Bayou, beginning at the city of Jefferson, Marion county, Texas, where Marshall

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street, in said city intersects the said bayou, and as near as practicable following the channel of said stream towards its source, and secure the safe navigation of said stream, by the use of dredge boats and other necessary machinery. The said company shall keep their principal office at the City of Jefferson, in Marion county, Texas.

Sec. 5. That it shall be the duty of the Governor of Texas, upon notification by the president of said company that said bayou has been sufficiently cleared of obstructions so as to be safely navigable to ordinary steamboats, to appoint a competent engineer to examine said bayou of obstructions to navigation be done in accordance with the provisions of this act, the said engineer shall certify the facts to the Governor, and the Governor shall thereupon issue his certificates to said company, authorizing the said company to assess and collect the following rates of toll on all freights transported on said stream, to-wit: ten per cent. on each freight bill of all freights passing from above Jefferson through said stream to Jefferson, and a like per cent. on freight bills from Jefferson up said stream.

Sec. 6. That said company binds itself to ceep said bayou sufficiently clear of obstructions to safe navigation for the space of thirty-five years, from and after the passage of this act, in consideration of the collection of the above mentioned tolls; and said company shall have the right to cut down and remove all trees or timber, which by falling into said stream, may hinder the safe navigation thereof.

Sec. 7. That this charter, and all the rights and privileges herein granted, shall continue and remain in full force for the period of thirty-five years, from and after its passage and approval; provided, however, that the same is not forfeited by the proper legal action had in the district court, for non-compliance, on the part of said company, with the requirements of this act,

Sec. 8. That the said company, in order that they may be fully enabled to effect and complete the proposed improvement for the navigation of said bayou, be, and they are hereby authorized, to issue their bonds in an amount not to exceed one hundred thousand dollars, and place them upon the market; provided, that said bonds shall be redeemable not more than five years from the date of their issuance, and shall be a first mortgage lien upon the rights, franchises and property of said company. Said bonds shall be signed by the president, and countersigned and registered by the secretary of the company, and shall bear the impression of the seal of the company.

Sec. 9. This act to take effect and be in force from and after its passage.

Approved December 2, 1871.

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CHAPTER CXXXVII.

An Act to Incorporate the Houston Cooperage and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John W. McDonald, Charles G. Mair, Frank H. Bailey, and their associates, be a body corporate and politic, under the name and style of the Houston Cooperage and Manufacturing Company, with authority, in said corporate name and capacity, to contract; to sue and be sued; to plead and be impleaded; to acquire real and personal property, by gift or purchase, and to sell, grant, mortgage or alienate the same, and to make by-laws for their own government; which by-laws may be altered or amended, from time to time, as may be deemed expedient, and for the promotion and carrying out the objects contemplated in this charter.

Sec. 2. Be it further enacted, That the foresaid company, in their corporate name, shall be authorized to manufacture hogsheads, barrels, kegs, tubs, buckets, and various articles made of wood or iron, the may desire to manufacture.

Sec. 3. Be it further enacted, That said company shall have the right to own such houses, lands, machinery, and all other articles and property of whatsoever kind, necessary for or incidental to the working of their manufactory.

Sec. 4. Be it further enacted, That the capital stock of said company shall be fifty thousand dollars, exclusive of its franchises and rights to property, divided into shares of one hundred dollars each; each share to entitle the owner thereof to one vote, either in person or proxy, in all meetings of the company. Said shares of capital stock shall be deemed personal property, and shall be transferable under such rules and regulations as may be provided for in the by-laws of the company.

Sec. 5. Be it further enacted, That for the purpose of organization and commencement of the enterprise, the corporators named in the first section, and their associate corporators named in seventh section of this act or charter, shall constitute the first board of directors to serve for one year, and to remain in office until their successors are duly elected and qualified. The board of directors shall choose from their own number, at their first meeting, a president, and such other officers as may be prescribed in the by-laws. Nevertheless, the board of directors shall have authority to dispose of the shares in its capital stock in such a manner and on such terms

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as they may deem most conducive to the interest of the company and the fulfillment of the objects of this act; and shall be furthermore authorized to commence operations whenever one hundred shares shall have been taken, and such per centage paid thereon as may be prescribed in the by-laws.

Sec. 6. Be it further enacted, That the capital stock of said company may be increased to two hundred thousand dollars when deemed expedient for the welfare of the company, by two-thirds of the board of directors, sanctioned by a majority of the stockholders.

Sec. 7. Be it further enacted, That Robt. O. Love, Henry E. Perkins are hereby added and created the associate corporators with those named in section first, with the same duties, powers and rights as those mentioned in this act.

Sec. 8. Be it further enacted, That this act take effect from and after this passage and continue in full force and effect for the period of fifty years.

Approved December 2, 1871.

CHAPTER CXXXVIII.

An Act to Release James Rodgers from paying State and County, or City Occupation Tax, on the Sale of Goods, Confectioneries and Groceries, in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That James Rodgers be, and he is hereby, authorized to sell, barter and trade in goods, confectioneries and groceries, (spirituous liquors not included,) in person, and not otherwise, anywhere in the State of Texas, free of any State, county or city occupation tax.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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CHAPTER CXXXIX.

An Act to incorporate the Southwestern Express and Transportation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. J. Burke, E. H. Cushing, T. F. White, T. W. Elson, I. M. Orsborne, L. H. Denson and W. J. Saunders, of Texas, and G. A. Hayward, of St. Louis, Mo., and their associates, successors and assigns, be and they are hereby declared to be a body corporate and politic, under the name of the Southwestern Express and Transportation Company.

Sec. 2. The legal domicile of the corporation shall be in such place in the State of Texas as the directors of the company shall designate at their first meeting after the organization.

Sec. 3. The object of said company is declared to be express and transportation business; to establish express and transportation routes; to own steam and other vessels; also, cars, wagons and other vehicles used for express and transportation business; to run its own cars over all railroads, subject to existing laws and to the terms of contract with any railroad company; to make contracts to forward by railroad, steamboats and other rapid routes of conveyance, by sea or land, bank notes, coin, valuables of every description, all kinds of merchandise, and all kinds of personal and movable property; to draw bills of exchange; to make collections of money, drafts, notes, and all other species of debts, claims and demands, and to insure all articles of all kinds sent by their express or transportation; and generally to transact all business, direct and incidental, connected with the transportation business.

Sec. 4. That the corporation shall have and use a common seal.

Sec. 5. That this corporation shall have all the privileges and immunities of bodies corporate under the laws of the State of Texas, and shall have power to sue and be sued; to acquire by grant, donation or purchase, and to use, occupy and sell, bargain, lease and convey all kinds of property, real and personal, necessary and convenient to operate, use or maintain its business; to make by-laws for the government of the corporation and its officers and affairs, not contrary to the laws of the State of Texas, or of the United States, or of this act. The president shall be the proper officer upon whom may be served citations, notices and other legal process against the company.

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Sec. 6. That this charter shall continue in force for twenty-five years, unless sooner dissolved in a manner hereinafter provided.

Sec. 7. That all the corporate powers of this corporation shall be vested in and exercised by a board of directors, and such officers as they create. The board of directors shall consist of not less than five or more than nine members of said company, to be elected by ballot, on the third Monday in May in each year, under such rules as the by-laws of said company may prescribe, of which election fifteen days' notice shall be given by advertisement in at least one daily newspaper published in the city of Houston. At all elections of the directors by the stockholders, a majority of all the votes cast shall be required for the election of a director, each share of stock to be entitled to one vote, either by the owner thereof or by proxy; and if from any cause the stockholders fail to elect such directors, the old board shall continue until their successors are elected. Any action of three-fourths of the stockholders shall be binding on all the stock.

Sec. 8. That the board of directors, at their first meeting, shall elect from their number a president, who shall hold his office until his successor is elected. He shall preside at all meetings of the board of directors, and shall conduct the business of the company generally, under the supervision of the board of directors; and in case of his absence or inability to act, a president pro tempore may be appointed by the board. The president shall sign all contracts and other papers, but when necessary, may act through agents appointed by him with the consent of the board of directors. The board shall have full power to fill all vacancies that may occur in their body, and to appoint a secretary and treasurer, all agents, clerks and other employes, and to remove them at pleasure; and they may delegate this power to the president, subject to their supervision. They shall fix salaries of all officers and employes of the company, and may authorize the president to do so; and may also delegate such power for the transaction of the ordinary business of the company as they may deem expedient; and shall have full power to do all other acts which may be necessary for carrying into effect the purposes of the company.

Sec. 9. That this company may commence business as soon as forty thousand dollars shall have been subscribed to its capital stock. The capital stock shall be one hundred thousand dollars, divided into shares of one hundred dollars each, five per cent. of which shall be paid at the time of subscribing, and other instalments as they may be called by the board of directors. The company shall have power to increase its capital stock to any sum not exceeding five hundred thousand dollars, said increase in any amount not to be made unless

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by consent of three-fourths of the issued stock. If any stockholder refuse or neglect to pay the instalments within thirty days after the specified time of payment, the board of directors shall have the right of causing any share upon which any installment may be due to be sold at public auction, after ten days' notice thereof through any daily newspaper published in the city of Houston.

Sec. 10. That this company shall have the right to sell at public auction any unclaimed freight or freights, or having been refused by the consignees, after having held same for four months, and having given notice in at least one daily newspaper published in Houston, at least twenty days before date of such sale, and to sell for account of whom it may concern, any unclaimed perishable freight within twenty-four hours after its receipt.

Sec. 11. All transfers of stock or issuance thereof shall be under such regulations as the board of directors may prescribe; minutes of the action of the board of directors shall be kept by the secretary and verified by the president. The president and secretary shall sign all certificates, bonds, drafts, notes and checks.

Sec. 12. No stockholder shall be liable or responsible for contracts or faults of the company in any amount exceeding the amount of his stock in the company; no mere informality in the organization shall have the effect of rendering this charter null, or of exposing a stockholder to any liability beyond the extent of his stock.

Sec. 13. That the stockholders, at a general meeting to be convened for that purpose, after thirty days' notice in at least one daily newspaper published in the city of Houston, shall have power to dissolve this association, three-fourths of the stockholders of the company assenting. The liquidation of the affairs of the company shall be made by three commissioners, appointed by two-thirds of the stockholders, at a meeting convened for that purpose, after thirty days' previous notice in one daily newspaper published in Houston; and the commissioners shall have all the power necessary to wind up and close the business of the company.

Sec. 14. That the corporators in this bill, or a majority of them, shall have authority to organize the company within ninety days after the passage of this act.

Approved December 2, 1871.

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CHAPTER CXL.

An Act to Incorporate the Houston Dollar Savings Bank.

Section 1. Be it enacted by the Legislature of the State of Texas, That John W. McDonald, James G. Tracy, Timothy H. Scanlan, William H. Persons, Erastus Carter, Gabriel Todd, John N. Cross, and such other persons as they may associate with them, and their successors, be and are hereby created a body corporate and politic under the name and style of the Houston Dollar Savings Bank, with authority in said corporate name and capacity to sue and be sued, to plead and be impleaded, to have succession and a common seal. They may have the right to purchase, hold, pledge and receive in pledge, to transfer and convey property of all descriptions; to make loans and borrow money to the extent of the capital authorized to be employed; to receive on deposit all sums not less than one dollar; to act, when required, in the capacity of a trust company, being capable in law and in equity of executing all such trusts as may be performed by an individual trustee; to make and adopt, revise and amend, such by-laws, rules and regulations as in their judgment may be necessary to the successful organization and future management of the business of said company, and generally to do any act within the scope of this charter not at variance with the Constitution and Laws of this State.

Sec. 2. That the capital stock of said company shall be two hundred thousand dollars, which may hereafter, by a vote of the directory, be increased to five hundred thousand dollars. The said stock shall be divided into shares of fifty dollars each, on which there shall be paid at the time of subscribing not less than five dollars per share, each share to entitle the owner thereof to one vote, either in person or by proxy, in all meetings of the company; said shares to be deemed personal property; and if any stockholder shall fail or refuse to make payment on such calls or assessments as may be made, his or her stock may be sold in such manner as the directory may prescribe, and such stockholder shall cease to be a member of this company.

Sec. 3. The management of said company shall consist of a board of directors, not less than five or more than seven, to be chosen annually by the stockholders. They shall elect from the board of directors one president, one vice president, and such other officers as may be prescribed by the by-laws, and their term of office shall be for one year, or until their successors qualify.

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Sec. 4. All obligations of the company shall be signed by the president and cashier.

Sec. 5. The legal domicile of the company shall be in the city of Houston.

Sec. 6. That this act of incorporation shall take effect and be in force from and after its passage, and remain in force for the period of fifty years.

Approved December 2, 1871.

CHAPTER CXLI.

An Act to establish a ferry across the Sabine River, at on near Red Rock, County of Upshur.

Section 1. Be it enacted by the Legislature of the State of Texas, That George H. Slaughter and W. C. Pierson be and they are hereby authorized to establish a ferry across the Sabine River, from or near to Red Rock, in the county of Upshur; and that they shall have the right to make their landing on any point on the opposite bank of said river, in Smith county.

Sec. 2. Be it further enacted, That it shall be the duty of said George H. Slaughter and W. C. Pierson to provide and keep in good repair all necessary and sufficient boats for the transportation across said river of all passengers, wagons and other wheel carriages, horses, oxen, and stock of every description; and that upon the providing and keeping such boats in good repair, they shall have the right to use and enjoy said ferry, within the limits aforesaid, for and during the term of thirty years.

Sec. 3. Be it further enacted, That said George H. Slaughter and W. C. Pierson shall be entitled to charge and receive such rates of toll as the County Court of Upshur county may see proper to assess.

Sec. 4. Be it further enacted, That no person or persons shall be permitted to establish any ferry or bridge across said stream within one mile, on a straight line, above said Red Rock, or one mile below; provided, one mile does not exceed half way to a ferry known as Camp Ferry, on said Sabine river.

Sec. 5. Be it further enacted, That the said George H. Slaughter and W. C. Pierson shall enter bonds, with sufficient security, of one thousand dollars, payable to the chief justice of

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Upshur county, or successors in office, for all damages that may accrue from neglect of duty.

Sec. 6. That this act shall go into effect from and after its passage.

Approved December 2, 1871.

CHAPTER CXLII.

An Act to incorporate the Rock Creek Bridge and Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Mrs. W. E. Weaver, her associates and assigns, are hereby created a body corporate and politic, with the right and privileges hereinafter set forth.

Sec. 2. That the said Mrs. W. E. Weaver, her associates and assigns, shall have the privilege to construct a toll bridge across Rock Creek, in Hopkins county, at the crossing three miles east of Sulphur Springs, and on the road leading from the above named place to Jefferson, Texas; also, the privilege of constructing bridges over the sloughs across said road; also, the privilege of levying the bottom of said stream, so as to make the road safe and easy to pass over at all stages of the water.

Sec. 3. That Mrs. W. E. Weaver, her associates and assigns, shall have six months from the passage of this act to build and complete the work contemplated by this act; and when the work is completed, it shall be the duty of the county court, or two or more of the members thereof, to examine the work and the road, and if found in good condition and extending from hill to hill, over the whole of the bottom of said Rock creek, a distance of about four hundred yards, and done in accordance with this act, then they shall certify the facts under their hands and the seal of the county court, and deliver the same to the said Mrs. W. E. Weaver.

Sec. 4. That said Mrs. W. E. Weaver, or assigns, with sureties, shall enter into bond in the sum of two thousand dollars, payable to the County Court of Hopkins county, conditioned to pay all damages any person or persons may sustain in crossing over said road and bridges, by reason of said road and bridges being out of repair; and the said bond may be put in suit by any person who has been damaged as aforesaid; said bond to be approved by the County

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Court of Hopkins county, and recorded in the office of the district clerk of said county.

Sec. 5. That when all the conditions hereinbefore set forth have been complied with, the said Mrs. W. E. Weaver and her associates, or assigns, shall have the privilege of erecting a toll gate and to collect the following tolls: For four-horse or ox wagons fifty cents; for two-horse or ox wagons, twenty-five cents; for carriage or buggy, twenty-five cents; for loose horses, per head, three cents; for cattle, per head, three cents; for hogs, sheep or goats, two cents; for footman, five cents; provided, that said Mrs. W. E. Weaver, and her associates, shall not have the right to charge citizens of Hopkins county any toll for passing over said bridge.

Sec. 6. That the exclusive privilege of said road shall extend two miles on either side of said turnpike, and no public crossing shall be made on said creek, within said limits, without the consent of Mrs. W. E. Weaver, her associates or assigns.

Sec. 7. That the privileges herein granted shall continue for twenty-five years from the completion of the work herein contemplated.

Sec. 8. That this act be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CXLIII.

An Act to Incorporate the Mechanics' Building Association of Jefferson, Texas.

Section 1. Whereas, H. P. Mabry, Edward Eberstadt, R. C. Boney, F. Stutz, Joe Ney, A. S. Huey, D. J. Foley, T. G. Anderson and Louis Weiderman, and others, have associated themselves together for the purposes set forth in this act; therefore

Be it enacted by the Legislature of the State of Texas, That said parties named, and such others as may be associated with them, be and are hereby created and constituted a body corporate and politic, by the name and style of the Mechanics' Building Association, of Jefferson, Texas, and by that name and style shall have succession for twelve years, with power to contract and be contracted with; sue and be sued; to plead and be impleaded; to have a common seal; to purchase, own and sell real and personal property to any amount which may be necessary to further the objects of the association.

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Sec. 2. The capital stock of said association may be in any sum not less than three hundred thousand dollars, and the assessment and collection of the instalments thereon may be made at such times and in such amounts as the stockholders thereof may direct. Said association may loan their funds on such terms as the association may direct, for the purpose of building up and improving the property of the city of Jefferson; may take and accept such security on said loans as may be agreed upon by the president and directors of the association.

Sec. 3. Said association may elect annually from the stockholders thereof, nine directors, which directors may elect from their number a president and vice president, and may appoint a secretary and treasurer and such other officers and agents as may be necessary; and such officers and agents may be removed and all vacancies filled as may be directed by the by-laws of the association.

Sec. 4. Said association may make such rules, regulations and by-laws as the stockholders may deem best for the purpose of carrying out the objects of the association, and change the same at will; and the same shall be of the same binding force and effect upon the members thereof as if the same was a part of this act; provided, the same be not inconsistent with the laws and Constitution of this State or the United States.

Sec. 5. Said association may sue and be sued in their corporate name in any court in this State without specially pleading this act if incorporation, and service may be had thereon by the same being made on the president or vice president of said association.

Sec. 6. That this act be in force from and after its passage Approved December 2, 1871.

CHAPTER CXLIV.

An Act to Incorporate the Galveston Paving and Improvement Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jonathan Taylor, Thomas P. Ochiltree, B. Rush Plumley, John S. Sellers and E. T. Randall and their associates be and they are hereby created a body politic in law and in fact under the name and style of the Galveston Paving and Improvement Company, and under that name they are authorized to sue and be sued,

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implead and be impleaded, to have and use a common seal; buy, hold, sell, lease and convey personal and real property for the uses of the company, and generally to do and perform such acts as are proper in a corporate company.

Sec. 2. The affairs of said company shall be managed by a board of directors to consist of five stockholders, to be elected by the stockholders at any meeting held under the by-laws of the company; provided, that the corporators herein named, or a majority of them shall, either in person or by proxy, within ninety days after the approval of this act, proceed to organize said company by electing a president and directors from their number, to hold their offices, until their successors shall have been elected by the stockholders. Said company shall have a code of by-laws for its government, which by-laws, if not inconsistent with this act or with the Constitution of the State, shall be in force whenever approved by a majority of the stockholders. The board of directors shall elect all other officers required by the company.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, with the privilege of increase to any sum not to exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each. Each share of said stock shall entitle the holder thereof to one vote, either by proxy or in person, under such rules as the by-laws may prescribe. Any increase of said capital stock shall require a vote of two-thirds of the issued stock, and any action or decision of three-fourths of the issued stock shall be binding on all the stock of the company. Said company may issue and sell or dispose of its stock in such manner and upon such terms as it may decide to be for the best interest of the corporation.

Sec. 4. Said company shall have the right to obtain, by lease or purchase from the owners, patentees or lessors of any patented pavement or pavements, any rights that they can procure, and said company shall have the right to put down or lay any such pavement or any unpatented or other pavements in the streets or alleys or on any sidewalk of any city or town, or of any yard or court of any residence, or private or public building, under such contract and upon such conditions as said company may make with every city, town, or with any party or parties within the limits of the State of Texas.

Sec. 5. The legal domicile and principal office of said company shall be located in the city of Galveston, and this act shall remain in force for the space of twenty-five years, and shall take effect from and after its passage.

Approved December 2, 1871.

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CHAPTER CXLV.

An Act to incorporate the Cherokee Mining Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. H. Guinn, C. C. Francis, John R. Palmer, J. C. Francis, J. W. Francis and E. L. Gregg, of Cherokee county, Texas, their associates, successors and assigns, be and are hereby constituted a body corporate and politic, by the name and style of the Cherokee Mining Company, and by that name and style shall have fifty years succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded in that name; to have a common seal; to engage in mining for coal, petroleum or rock oil, lead and other mineral and fossil substances; and privilege of erecting works for the manufacture of such substances, and taking said substance out of the ground and transporting them to market and selling said products, within or without the State; and to have all other powers needful and proper for the succesful prosecution of their business and for the execution of the powers herein granted. That same corporation may organize said company by the election of a president and such other officers and managers as they may deem necessary, at such time and place as they may designate, by notice previously given; and when organized this company shall have power to make such by-laws, rules and regulations as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation not inconsistent with the laws and Constitution of the State of Texas and the United States.

Sec. 2. That the capital stock of said company may amount to five hundred thousand dollars. The said company may buy, lease or rent any suitable lands, mines, oil, iron, coal and salt right, and other mineral substances and fossil substances, with rights and privileges, rights of way and other property necessary for their business, and may dispose of the same by sale or otherwise. They may receive real estate, lease and hold mining rights and rights of way and other property, in payment of such part of subscription or stock as they may deem advisable.

Sec. 3. Said corporation may erect and build on any of their lands such buildings, engines, machinery and fixtures as may be deemed convenient and proper for carrying on and conducting said business of the said corporation within the counties of Cherokee, Anderson, Houston and Angelina.

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Sec. 4. That the principal office of said company shall be at the town of Rusk, Cherokee county, and that service may be made thereon by service on the president or secretary thereof; provided, that the principal office of said company may be moved to any other point within this State by the officers of the company giving notice for one month previous to such removal, in the nearest newspaper, of their intention and the point to which the same is removed.

Sec. 5. That the Cherokee Mining Company shall be entitled to all the benefits that may hereafter be granted by the Legislature in any general law to companies for the purposes aforesaid.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CXLVI.

An Act to Incorporate the Point Isabel City Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Simon Celaya, Thomas F. Wilson, Joseph Klieber, Clifton W. Harris, Antonio Longono and Charles Worthington, are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation, to be styled the Point Isabel City Company, with capacity to have succession and a common seal; to sue and be sued; to buy and sell real and personal estate; to erect, own and maintain buildings; to borrow money, and pledge any property they may have acquired for the payment of the same; to make contracts and by-laws for the government of said association, and generally to do and perform all such acts and things as may be necessary or incident to the business of said company for the maintenance of its rights under this act, and consistent with the Constitution and laws of this State. A majority of said commissioners shall constitute a quorum to do business. In receiving subscriptions to said capital stock, they shall require two per cent. to be paid in cash, and the balance to be paid in real estate, which said real estate shall be valued and conveyed to the company, as they may elect.

Sec. 2. That as soon after the passage of this act as the sum of one hundred thousand dollars is subscribed, it shall be the duty of said commissioners to call a meeting of the stockholders, who shall

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organize the company by electing five directors, who shall conduct and manage the affairs and business of said corporation, and said directors shall elect from their own body a president, and shall also elect such other officers and agents as shall be necessary for the proper transaction of the business of the company.

Sec. 3. The capital stock of the said company shall not be less than one hundred thousand dollars, and may be increased to one million of dollars. The principal office thereof shall be at Point Isabel.

Sec. 4. The board of directors may issue additional stock of said corporation, until the whole stock shall amount to the limit established by this act. But they shall issue no such stock until it shall have been fully paid for, and all stock issued shall be declared and taken to be full stock, and not liable to any further calls. All certificates of stock in said corporation shall be signed by the president, and shall have the seal of the corporation affixed. A majority of the board shall constitute a quorum, and shall have authority to do and perform all such acts and things as may be necessary for conducting the business of said corporation; and all instruments of writing executed by the president, under the seal of the corporation, with the consent of a majority of the board of directors, shall be valid and binding upon the corporation.

Sec. 5. The capital stock shall be divided into shares of one hundred dollars each, and each share shall entitle the holder to one vote, and shall be transferable by assignment. But no stockholder shall be entitled to vote thereon until the stock shall appear on the books of the company, in his or her name, who claims the same, for thirty days previous to the election. The vote shall be by ballot, and may be in person or by proxy. The annual election, after the first organization, shall be on the first Monday in March of each year.

Sec. 6. The charter granted by this act shall continue in force and effect for the term of twenty-five years.

Sec. 7. This act shall take effect from its passage.

Approved December 2, 1871.

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CHAPTER CXLVII.

An Act to incorporate the Colorado and Post Oak Island Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. F. Campbell, S. N. Baker, C. C. McGinnis, W. H. McAlpine, J. Jung, Chas. Wertzner, and such others as they may associate with them, and their successors and assigns, be and they are hereby created and appointed a body politic and corporate, in deed and in law, to be known by the name and style of the Colorado and Post Oak Island Railroad Company, and as such they shall have succession for ninety-nine years, and a common seal, with the capacity to sue and be sued, plead and be impleaded, buy and sell, grant and receive, contract and be contracted with; to accept to their own use, and hold and enjoy any grant, donation, loan, power, franchise, aid or assistance, which may by any person, company, corporation, city or town, be granted or conferred upon said company; to make and enforce by-laws, and generally to do and perform all such acts and things as may be proper and necessary to carry into effect the objects of this corporation, consistent with the Constitution of this State and its laws regulating railroads.

Sec. 2. That the persons named in the first section of this act, their associates and assigns, or a majority of them, shall constitute the first board of directors for said company, and shall continue in office until their successors have been appointed, as hereinafter provided. They shall have the right to elect a president, vice president, secretary and treasurer. The other officers and agents shall be appointed in such manner as the board of directors may determine. The said board of directors, or a majority of them, shall have power to make by-laws, rules and regulations for their government, so as to carry out the intents of this act; and to appoint an executive committee, and confer upon it such powers as they may see fit, not inconsistent with the laws of this State or of the United States; to provide for the future election of officers, and fix the permanent domicile of said company, and change the same at pleasure; to provide for the issue and transfer of its stock, scrip and bonds; to mortgage and hypothecate the road bed, rolling stock and all other property of said company, to raise funds to build and equip said road. Said board of directors shall fix the amount of capital stock of said company, and the amount to be subscribed before a permanent organization is perfected, and the amount or amounts to be paid down.

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Sec. 3. When the amount of capital stock of said company shall have been so fixed by the board of directors, it shall be divided into shares of one hundred dollars each, and each share shall entitle the holder thereof to one vote; and when the amount of stock to be subscribed before permanent organization shall have been taken up by bona fide holders, the president, by the direction of the board, shall call a meeting, at such time and place as he may be so directed, for the permanent organization of said company, the election of officers, and the adoption of such by-laws and rules as may be deemed expedient.

Sec. 4. That the said company is hereby authorized and empowered to construct, own and equip, maintain and operate a continuous line of railroad, with a double or single track, and a telegraph line, from a point of intersection with the western branch of the Houston and Texas Central Railroad, at or near McDade, on said road, intersecting with same at said point, as nearly as practicable and expedient on an air line in a southerly direction to the nearest point of the Colorado valley to the town of Bastrop, in a northerly direction, as nearly as practicable and expedient on an air line to the nearest point on the line of the International Railroad, at or near Post Oak Island, intersecting with same at said point of intersection.

Sec. 5. That the State of Texas hereby grants to said company the right of way to the extent of two hundred feet in width, over all lands in the State along the line of said route as above stated, for the laying of its track, and such lands as may be necessary for sidlings, turn tables, depots, station houses, machine shops, water tanks, wells, etc., and the right of making preliminary surveys for the location of their said roads, and the further right to take from any lands belonging to the State, within two miles of its track, any wood, stone, earth or other material for the construction of said road.

Sec. 6. That should the owner or owners of any land or lands over which said road of said railroad company must pass, disagree with said company as to the amount to be paid for said land or lands, such disagreement shall be settled according to the general railroad laws of this State.

Sec. 7. Said company shall commence the construction of its road within one year after the permanent organization thereof, and shall complete and have in running order within two years thereafter the road from McDade to Bastrop, commencing at McDade, and within four years thereafter the road from McDade to Post Oak Island, and in default thereof shall forfeit all the franchises hereby granted, except as to the part in running order.

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Sec. 8. Said company shall receive such aid and immunities as may be granted to any railroad under any general law.

Sec. 9. Said company may adopt the gauge of any road with which they may connect.

Sec. 10. Said company shall have the right to join stock or consolidate with any other company running in the same general direction in the State; to receive subscriptions or loans from any county on its line or adjacent thereto, or from any person, company, corporation, city or town, either in bonds, money, land or other property (the same to be used in the aid of said railroad), or may receive donations of land or other property from individuals.

Sec. 11. The legal domicile of said company shall be at McDade until located by the board of directors, as hereinbefore provided.

Sec. 12. That this act take effect from and after its passage.

Approved December 2, 1871.

CHAPTER CXLVIII.

An Act to incorporate the Gatesville Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. B. Owens, Bedford Lanham, J. H. Chrisman, J. M. Arnold, W. W. Patrick, J. M. Morton, T. B. Saunders, Robert Newland, L. M. Robertson, J. K. Saunders, W. H. Woodburn, W. W. Hammack, C. P. Basham, L. T. Methvin & Co., W. W. Jones, L. M. Allen, H. Sassy, George C. Chrisman, W. Spencer, W. E. Love, J. R. Rabey, B. Hood, H. C. White, J. W. Hedgepeth, T. D. Bone, J. M. Longmire, J. M. Robertson, and such others as they may see proper to associate with themselves are hereby incorporated under the name and title of the Gatesville Bridge Company, and under such name shall sue and be sued, and have succession for fifty years.

Sec. 2. Said company shall have the right to construct a bridge, of iron or wood, across the Leon river, at a point where South street, of the town of Gatesville, running westward, strikes the bank of the Leon river.

Sec. 3. Said company shall construct said bridge in a good and substantial manner, within five years from the first day of January, 1872, and shall keep the same in good repair for the term of fifty years from the completion thereof, and to be ready at all times,

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night and day, to pass all passengers, wagons, teams and stock of all kinds, that may wish to cross on said bridge, and be responsible as common carriers.

Sec. 4. That it shall be the duty of the police court of Coryell county, from time to time, to cause said bridge to be examined, and when they shall consider the same to be not in good repair and safe for the crossing of person and property, said company shall be authorized to keep a ferry boat for the crossing of passengers and property over said Leon river until said bridge is repaired.

Sec. 5. That no person or persons shall be authorized or allowed to erect or keep any public or private bridge or ferry, or establish any public road or private crossing of any kind across said Leon river, within four (4) miles on a direct line of said bridge, after its completion.

Sec. 6. That said company shall have the right of way over any land on either side of the Leon river, at the point designated for the erection of said bridge, and may enter upon and take possession of said land; provided the same shall not exceed the width of eighty feet, by paying the owner thereof whatever price may be agreed upon; and should the said owners thereof not be able to agree as to the price, the said company may petition the presiding justice of the county court of said county, giving a description of the land they require, with the names of the owner or owners thereof, and the presiding justice shall summon a jury of six free holders, not in any way or manner interested, who shall, on oath, make a report of the value of the land so required, and upon payment thereof by the company to the owner or owners, or his or their agents, a good bona fide title shall be granted by said presiding justice to said company, a copy of which shall be recorded in the office of the county clerk of the county aforesaid.

Sec. 7. That when said bridge shall be completed, said company shall be authorized to demand and receive from each and every person crossing said bridge, or crossing their property over the same, a toll not to exceed the following rates, to-wit: For each wagon, cart, carriage or other vehicle, drawn by more than two horses, or other animals, twenty (20) cents per wheel, and five (5) cents for each animal by which the same is drawn, and where the same is drawn by two (2) animals or less, ten (10) cents per wheel, and five (5) cents for each animal by which the same is drawn; for each animal and rider, ten (10) cents; for each loose horse, mule, jack or jennet, five (5) cents; for each loose animal of the cattle kind, five (5) cents; for each foot passenger, five (5) cents; for each sheep, goat or hog, three (3) cents.

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Sec. 8. That this charter of corporation continue and remain in force for fifty years from and after the completion of said bridge; and that this act take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CXLIX.

An Act granting to Dan Egbert the privilege of constructing and keeping a Toll Bridge and Ferry across the Neches River, at a place known as Egbert's Bridge, on said River.

Section 1. Be it enacted by the Legislature of the State of Texas, That the privilege is hereby granted to Dan Egbert, and he is hereby authorized to construct and keep a toll bridge and ferry across the Neches river, at a place known on said river as Egbert's bridge, on said river, on the road leading from the town of Rusk, in Cherokee county, to the town of Crockett, in Houston county.

Sec. 2. Said Dan Egbert is hereby required to construct and keep in good repair a good and substantial bridge across said river; and also to place good and substantial bridges across the sloughs, and to keep the road in good order across said river bottom; and he is also required to keep a good and substantial ferry boat, so that the way may be passable at all times.

Sec. 3. That said proprietor shall have the right to erect a toll gate at some convenient place in the immediate vicinity of said bridge and ferry, and demand and receive at said gate, from all and every person passing over said bridge and ferry, toll according to the following rates: Sheep, goats and hogs, one cent per head; cattle, two and a half cents per head; loose horses and mules, five cents per head; for a horse or mule and a rider, ten cents; for one horse and vehicle, twenty-five cents; for two horses and vehicle, fifty cents; four horses and wagon, seventy-five cents; four or more horses or oxen and wagon, one dollar.

Sec. 4. That the Police Court of Cherokee county shall appoint two commissioners on application of said proprietor of said bridge and ferry, citizens of said county, whose duty it shall be to examine and approve the bridge now constructed, or to be constructed under this act, and report their action, fully describing the bridge;

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its length, height, and also the size and capacity of said ferry boat, and their condition as to safety to the traveling public; this report to be made at a regular term of the court; and they shall hold their commissions for two years from the time of their appointment, and until their successors shall have been appointed; and it shall be the duty of said commissioners to examine and report at least twice each and every year the condition of said ferry and bridge, to said court; and should the said bridge and ferry be found out of repair or in bad order, the toll gate shall be set open until said bridge and ferry shall have been repaired and examined as herein provided for.

Sec. 5. That said commissioners shall each receive two dollars per day for the time necessarily employed in the performance of their duties imposed under the provisions of this act, to be paid by the proprietor of said bridge and ferry.

Sec. 6. That the bridge and ferry constructed, or to be constructed under the provisions of this act, across the Neches river, at the place designated in this charter, shall insure to said Dan Egbert, his heirs and assigns, for a period of twenty-five years from and after the passage of this act.

Sec. 7. That the owner and proprietor of said bridge and ferry shall be liable by action for damages to any person who may sustain injury to person or property by reason of negligence or failure to keep in repair said bridge and ferry, before any court having jurisdiction of the amount of damages claimed.

Sec. 8. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CL.

An Act Creating the Colorado Real Estate and Banking Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Sampson, George E. Glenn, A. H. Parrish, John H. Robinson, E. C. Bartholomew, W. S. Huntington, J. W. Parish, J. D. Harmon and Joseph A. Vaughn, and their associates, are hereby created a body politic with general corporate powers and privileges under the name of the Colorado Real Estate and Banking Company.

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Sec. 2. The capital stock of said company shall be one hundred thousand dollars, until altered by an affirmative vote of two-thirds of the board of directors.

Sec. 3. That the first five named persons above named as incorporators shall give thirty days' notice, through a newspaper published at the city of Austin, of the opening of subscription books for the stock of said company; and when the whole amount of said stock shall have been subscribed for and two per cent. of the same paid to the temporary treasurer, who shall be designated by a majority of the five incorporators above mentioned, then the subscribers to said capital stock shall proceed, under direction of the five incorporators above mentioned, to the election of one president, one vice president, one cashier, and a board of directors consisting of five, all of whom shall be subscribers to the capital stock, a majority of whom shall, together with the president, or in case of his absence abroad then the vice president, constitute a quorum. After the first election of president, vice president and cashier by the stockholders as above, they shall thereafter be elected once every year by the board of directors, a majority of the same voting affirmatively being necessary to a choice.

Sec. 4. That before giving notice of opening the books for subscription as provided in article third, the five incorporators aforesaid shall execute to the Comptroller of the State of Texas a good and sufficient bond in the sum of five thousand dollars, conditioned that the incorporators and company hereby incorporated will in good faith carry out the provisions of this agreement made and entered into by and between the State of Texas and the incorporators and company incorporated as aforesaid.

Sec. 5. That said company is is empowered to construct, purchase, or accept and receive and hold, or make any disposition whatsoever, not contrary to the Constitution of the State of Texas, of any and all kinds of property and franchises.

Sec. 6. That said company is empowered to do a general banking, brokerage and loan business, and may issue paper money, provided the same be countersigned by the Comptroller of Public Accounts; which paper bills the Comptroller shall counterisgn whenever the company shall first have delivered to him bonds of the State of Texas or bonds of the United States in face value ten per cent. more than the bill to be countersigned, which bonds shall be retained by the Comptroller of Public Accounts as security for the redemption in U. S. currency, U. S. national bank notes or gold of the bank's notes so issued; but upon the delivery at any time to the Comptroller by the company of any amount of said bills of the company which said company may have redeemed, the

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Comptroller shall proceed to count and then destroy the same in the presence of the State Treasurer, when an equivalent amount of bonds deposited as security for the same, on demand of said company, shall be returned to the company.

Sec. 7. That legal service may be had on the president, vice president or cashier at the company's chief office, which chief office shall be designated by the company in its by-laws and by publication.

Sec. 8. Said company is empowered to establish such branches and create such sub-offices and at places as may be required by said company in carrying out the provisions of this act.

Sec. 9. That said company is empowered to make all rules and regulations advisable to carry out the provisions of this act, not contrary to the Constitution of the State of Texas.

Sec. 10. That in consideration of the bond for five thousand dollars, as required in article fourth of this act, the rights and privileges of this act are granted to the aforesaid incorporators and company, and they shall exist for the term of fifty years from and after the date of this act becoming law.

Sec. 11. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CLI.

An Act to prohibit the sale of all Intoxicating or Spirituous Liquors with certain limits of the Thorpe Springs Male and Female Seminary, in Hood County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons to dispose of any intoxicating or spirituous liquors by sale, except for sacramental or medicinal purposes, within two (2) miles of Thorpe Springs Male and Female Seminary, an institution of learning, located some some eight miles from the county seat of the county of Hood in the State of Texas.

Sec. 2. That any person or persons violating the provisions of this act shall upon conviction thereof, in any court of competent jurisdiction, be fined in any sum not less than ten nor more than fifty dollars for each and every such offense.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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CHAPTER CLII.

An Act to amend section seven of An Act entitled An Act to incorporate the Texas Banking and Insurance Company, approved July 1, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section seven of an act entitled "An act to incorporate the Texas Banking and Insurance Company," approved July 1, 1870, be so amended as to read as follows: "Section 7. Be it further enacted, That the president and directors shall render to the stockholders an annual statement of the liabilities and assets of said corporation, which statement shall be verified by the oath or affirmation of the president and cashier, and which statement shall be published for three consecutive insertions in not less than two of the Galveston newspapers; and it shall be the duty of the president and directors of said corporation, either annually or semi-annually, to make such dividends of the net profits of said corporation as shall be deemed advisable, under the following rules and regulations: One-fourth of the net profits of the banking department shall be divided, pro rata, among the depositors, and the remaining three-fourths among the stockholders; but if, at any time, the amount of deposits should bear the proportion to capital stock of three to one, then one-third of the net profits shall be divided among the depositors, and two-thirds among the stockholders; and if the average deposits should reach the proportion to the capitol stock of four to one, then one-half of the net profits shall be divided among the depositors, and one-half among the stockholders."

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CLIII.

An Act to Authorize and Empower the County Court of Burleson County to levy and collect a special tax for the purpose of building a Court House and Jail.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Burleson county be and is hereby authorized and empowered to levy and collect a special tax, not to ex-

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ceed one-half of one percent., upon all taxable property in said county, for the purpose of building a court house and jail in said county.

Sec. 2. That said tax shall be levied and collected for the year one thousand eight hundred and seventy-one, and every year thereafter until a sufficient amount be raised to build a court house and jail in said county, the same to be assessed and collected as other State taxes.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CLIV.

An Act for the relief of Edward De Laney.

Whereas, About the twelfth day of June, A. D. 1870, one Mary De Laney, departed this life in the county of Brazoria, leaving a nuncupative will, bequeathing property, real and personal, to her son Edward De Laney; and

Whereas, It was impossible for said nuncupative will to be probated within the time prescribed by law, because there was holden no term of the court for said county; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be lawful for the district court of said county of Brazoria, at any time within six months after the passage of this act, to admit the nuncupative will of the said Mary De Laney, to probate, and to proceed in the matter of said estate in all other respects according to existing laws.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved December 2, 1871.

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CHAPTER CLV.

An Act to Incorporate the Dallas and Wichita Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. W. Cullen, W. J. Clark, J. A. Hawkins, Henry Ervay, Fred Cullen, J. W. Swindalls, George Brainerd, Cicero Cullen, J. W. Haynes, and their successors, be and they are hereby created and constituted a body corporate and politic for ninety-nine years, under the name and style of the Dallas and Wichita Railroad Company, with the capacity in said corporate name to make contracts; to have succession and a common seal; to make by-laws; to sue and be sued; to plead and be impleaded; to grant and receive; to hold and convey property, both real and personal; to receive donations or gifts of lands, money or bonds, and generally to do and perform all such acts and things proper and necessary to be done to carry into effect the ends and objects of this incorporation and the maintenance of the rights accruing under and connected with it, not inconsistent with the laws of this State.

Sec. 2. That said corporation is hereby invested with the rights to locate, construct, own and maintain a railway, commencing at the city of Dallas, in the county of Dallas and State of Texas, and running thence westwardly to the Red River, to or near the mouth of the Wichita river where it empties into Red river; and provided further, that said company shall have the right to connect their road, by running westwardly from said city of Dallas, with any other railroad chartered by the State of Texas, running to or near the direction of El Paso.

Sec. 3. That the capital stock of said company, consisting of its property, real and personal, franchises and rights to property, shall be divided into shares of one hundred dollars each, every share entitling the owner thereof to one vote by himself or proxy for directors; said shares shall be deemed personal property, and may be transferred by any conveyance in writing, under such rules as may be prescribed by the directors; provided, however, that all such conveyances shall be filed for record, and recorded by the secretary of said company in a book or books to be kept for that purpose.

Sec. 4. That the immediate government and direction of the affairs of said company shall be vested in a board of five directors, to be selected from the corporators named in the first section of this

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act, who shall elect one of their number president of said company. No person shall be eliglble to the office of director unless he be the owner of ten shares of the stock of said company. The directors shall be elected bienially by the stockholders of said company, each being entitled to one vote for every share he or she may own. The first election to take place within ninety days after the passage of this act, in the said city of Dallas; and if a vacancy should occur in said directory by death, resignation or otherwise, the vacancy or vacancies may be filled by the residue of said directors for the unexpired term; and, should the stockholders fail to hold an election at any regular period, those in office shall continue officers until an election at a regular period. It shall be the duty of the president and directors to appoint a secretary and treasurer to prescribe their duties, and require of them bonds for the faithful discharge of the same. They shall keep, or cause to be kept, a record of all their proceedings, and an account of the receipts and expenditures of said company, which books shall be open at all reasonable hours for the inspection of any person interested in said company. A majority of the board of directors shall have the authority of a full board, and all conveyances and contracts in writing, executed by the president and countersigned by the secretary, under the seal of the corporation, and in pursuance of a vote of said directors, or a majority of them, shall be valid and binding. Said company shall keep their office at the city of Dallas, in the State aforesaid, and the president of said company shall report annually the condition of the affairs of said company to the directors, who shall publish said report in two or more newspapers published on the line of said railway.

Sec. 5. That the shares may be disposed of, and the books opened for subscription thereto, in such manner, and on such terms as the president and directors shall determine will be best for the interest of said company, and any agreement in writing by which any person shall become a subscriber to the capital stock of said company, may be enforced against him or her according to its terms, and if any person fails to pay the amount due by him or her to the said company for shares in said stock, according to the terms of his or her subscription, the directors or their agents may sell at auction, after giving twenty days notice in writing at the office of said company, the shares of said delinquent, and if the proceeds of the sale shall not be sufficient to pay the amount then due on said subscription, with interest and charges, said delinquent shall be held liable to the company for the deficiency due on said call, and if the proceeds should exceed said amount, said delinquent shall be entitled to the surplus.

Sec. 6. That no debts or liabilities contracted, or losses sus-

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tained by said company shall be binding individually upon the stockholders for any sum exceeding the amount of their respective shares.

Sec. 7. That it shall be lawful for the company to enter upon and purchase, or otherwise take and hold any land necessary for the purpose of establishing and constructing said railway, with all necessary depots and other building, and if said company shall not be able to obtain said lands by agreement with the owner thereof, they shall pay therefor such compensation as shall be determined upon in the manner provided in the following section; provided, that the land so taken for the roadbed shall not exceed two hundred feet in width, and for depots and other buildings, such further width as may be necessary for such other purposes.

Sec. 8. That when any lands are taken for the road bed or depots, the value of the same shall be determined as prescribed by the general railroad law of this State.

Sec. 9. That it shall be the duty of said company whenever any State or county road, now or hereafter established shall be crossed by the track of said railway, to make and keep in repair good and sufficient causeways at such crossings; and in all cases where any person shall own land on both sides of said railway, and there shall be no other convenient access from one part to the other, such owner shall have the right, at all reasonable times, to cross the track of said railway.

Sec. 10. That said company may acquire real estate by gift or purchase, and may appoint agents in such manner as it may think fit, with full authority to receive subscriptions of stock and conveyances of land to said company.

Sec. 11. That said company shall have the right to demand and receive such rates of prices for transportation of freight and passengers as it may think proper to establish and not inconsistent with the laws of this State.

Sec. 12. That the capital stock of said company shall be five millions of dollars.

Sec. 13. That this company may enter into contracts and form associations with any other road or company owning any road leading to the Mississippi river, El Paso, or the Gulf of Mexico, or any road intersecting the same, so as to make intersections with other railways.

Sec. 14. That said company shall commence work on said road within twelve months from and after the passage of this act, and shall have the same completed and in good running order within five years thereafter; provided, further, that said company may adopt such gauge of track as they may deem best for the said railway.

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Sec. 15. That the property of said railway shall be exempt from taxation until said railway is completed.

Sec. 16. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CLVI.

An Act to Establish a Ferry across the Brazos River in the Counties of Milam and Robertson, at or near the Town of Port Sullivan, in Milam County.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. Wise Parker, his associates and successors, be, and they are hereby, authorized to establish a ferry of the Brazos river, in the counties of Milam and Robertson, at or near the town of Port Sullivan, in the county of Milam, and upon the road leading from the town of Hearne, in the county of Robertson, to the town of Cameron, in the county of Milam.

Sec. 2. That the said J. Wise Parker, his associates and successors or assigns, shall establish and keep in good running order, at all times, a good and safe ferry boat; and shall at all times carry passengers, and property of all descriptions; and shall be responsible as other common carriers are by law.

Sec. 3. That said Parker, his associates and successors or assigns, shall be subject to the general laws of the State of Texas governing the establishment of ferries, and shall be entitled to collect and receive such fees and tolls as may be established by the county court of Robertson county.

Sec. 4. That no other ferry shall be established, operated or run within two miles above or below the ferry herein chartered, except for private use.

Sec. 5. That this act take effect and be in force from and after its passage, and that it continue in force for thirty years.

Approved December 2, 1871.

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CHAPTER CLVII.

An Act to amend An Act entitled An Act to establish a Ferry Across Brazos River, at or near the mouth of the Little Brazos River, in the counties of Burleson and Brazos, passed May 16, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section three of the above recited act be so amneded as to read as follows: That no ferry boats be permitted to ferry across the said river within two miles, on a straight line, above and below said point on said river. And that section four be amended so as to read as follows: That the said J. S. Stewart, Henry Mordecai and W. B. Foreman shall have, for and during the term of thirty years, the right to charge such rate of toll as the County Court of Brazos county may determine.

Sec. 2. That this act be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CLVIII.

An Act to Incorporate the Galveston Saving Bank and Trust Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Isadore Dyer, Albert Ball, Morritz Kopperel, J. L. Darrah, John J. Harrel, John Sealy, Henry Rosenberg, J. M. Brown, John P. Davie, Julius Frederick, Noah Johns, J. H. Hutchins, Theodore Wagner, E. Randall, M. D., E. T. Austin, Thomas Goggan and Martin Davey, be and they are hereby declared to be a body politic, in law and in fact, under the name and style of the Galveston Saving Bank and Trust Company, and, under that name, they may sue and be sued, plead and be impleaded; buy, hold and sell, lease or convey real property for the uses of said company; make contracts, pass by-laws, and generally to perform all acts and things, proper and necessary to be done, to carry into effect the objects and maintain the rights of said corporation under this charter.

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Sec. 2. That the corporators herein named, or a majority of them, shall, within thirty days after the passage of this act, proceed to organize said company in such manner as they may deem best for the interest of said corporation; provided, that after the sum of one hundred thousand dollars shall have been subscribed and paid in, the said corporation may commence business. The affairs of said company shall be managed by a board of directors, not less than five nor more than thirteen in number, who shall be elected by the stockholders, at any annual meeting thereof; said board of directors shall elect one of their number to be president of the board of directors, and shall elect such other officers as the company may need.

Sec. 3. That the capital stock of said corporation shall be three hundred thousand dollars, divided into shares of one hundred dollars each; each share of said stock shall entitle the owner thereof to one vote, at any meeting of the stockholders, called as provided in the by-laws of the company. The capital may be invested in the bonds of the United States or of the State of Texas, in mortgages or in unencumbered real estate within the State of Texas, worth double the amount loaned thereon, or upon stocks or bonds of incorporated companies, or upon the bonds or stocks of the incorporated towns or cities of this State, or in any one or all of said securities, at the discretion of the directors of the corporation.

Sec. 4. That the corporation hereby created shall receive deposits of money from one dollar and upwards. Parents may deposit for their children, and guardians for their wards. Such interest shall be allowed to depositors as may be directed by the by-laws of said company, and all deposits made shall be made under said by-laws; it may receive money in trust, and to accumulate the same at such rate of interest as may be provided for in said by-laws; to accept and execute all such trusts of every description, not inconsistent with the laws of the State, as may be committed to them by any person or persons whatsoever, or by any corporation, or by order of the Supreme Court, district or probate courts of this State or United States; to take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate in trust, created in accordance with the laws of the State, and execute such legal trusts, in regard to the same, on such terms as may be declared established or agreed upon in regard thereto. The said company is authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds, or other evidences of debt of any corporation, association, municipality, State or public authority, on such terms as may be agreed upon. On any sum of money not less than one hundred dollars, which shall be collected or received by the said company in its capacity of administrator, trustee

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or gaurdian, receiver or depositor of moneys in court, an interest shall be allowed by said company, as provided for in the by-laws of said corporation, which rate of interest shall continue until the money so received shall be duly expended or distributed. On all sums of money deposited, less than one hundred dollars, the depositor may, by an entry in his deposit book, signed by him and witnessed by the treasurer of the company and attending manager, president or cashier of the company, appoint a person to receive the same in case of his death, and the person so appointed shall have right, on death of depositor, to receive all such deposits entered in said book without letters of administration or testamentary, and the receipt of such persons shall be a full discharge of the company.

Sec. 5. That no loan shall be made, directly or indirectly, to any trustee or officer or employe of said corporation; and for every violation of this section, the trustee or officer making this loan, or consenting thereto, shall be liable to said corporation for the amount so loaned.

Sec. 6. That the said company may purchase, at any sale, any property, real or personal, that may have been mortgaged or conveyed in trust to it, and may re-sell the same, but only for the bona fide purpose of securing a debt due to the company; and the company shall not at any time hold real estate to the value exceeding one-third of the capital stock of the company, except such as may be necessary for the convenient transaction of its business.

Sec. 7. That this charter and all its privileges and powers herein granted, shall continue for twenty-five years, and shall be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CLIX.

An Act to Incoporate the Colorado and McDade Ferry Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Gus. A. Schneider, J. V. Baker and F. Hoppe, and such persons as they may associate with themselves, are hereby incorporated under the name and style of the "Colorado and McDade Ferry Company," and shall have succession for the term of thirty years; that they may have a corporate seal and the right of holding

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property, real, personal and mixed, for the purpose of carrying on the objects of this incorporation; and they may transfer, alienate and dispose of their joint or individual interest herein at pleasure.

Sec. 2. That the said persons, their associates and successors, under the name and style aforesaid, shall be authorized to establish and maintain a ferry on the Colorado river, at or near the mouth of the ravine between the lands of said Gus. Schneider and E. Goodman, where the new road, from the mouth of the lane between said Schneider and Goodman, to McDade crosses the said river; said ferry shall be known hereafter by the name set forth in the first section of this act.

Sec. 3. That the said Gus. A. Schneider, J. V. Baker, F. Hoppe, and their heirs and assigns, shall be bound during the term aforesaid to keep in good order a boat or flat sufficient at all times to transport and ferry across said river all wagons, horses, cattle, persons and property, with safety and convenience, and to keep and maintain the banks on each side of said river to low water mark so as to insure the embarkation of all persons and property ferried across said river at said ferry.

Sec. 4. That there shall not be established any other ferry, or other ferry boat kept or run for public use, within two miles above and below said ferry established by this act, except for private use.

Sec. 5. That the said Gus. A. Schneider, J. V. Baker and F. Hoppe, shall have, for and during the said term of thirty years, the right to charge the following rates of toll: For footman, five cents; single horse or mule, ten cents; man and horse, ten cents; wagon or carriage and two horses or oxen, fifty cents; wagon and four horses or oxen, seventy-five cents; wagon and six horses or oxen, one dollar; wagon, carriage or buggy and one horse or ox, twenty-five cents; all other animals in droves, three cents per head; provided, that the said Schneider, Baker and Hoppe may charge double these rates when the waters of said river are overflowing its banks.

Sec. 6. That all acts or parts of acts in conflict with this act be and the same are hereby repealed, and that this act take effect from and after its passage.

Approved December 2, 1871.

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CHAPTER CLX.

An Act to incorporate the Houston Savings Bank.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. J. Burk, Richard Allen, J. W. McDonald, H. D. Johnson, E. Carter, and such other persons as they may associate with them, and their successors, be and they are hereby created a body politic and corporate under the name and style of the "Houston Savings Bank;" and by such corporate name shall have succession; may sue and be sued; may have and use a corporate seal; may own property, real, personal and mixed; may mortgage and alienate the same; and may also issue bank bills, and borrow and loan money.

Sec. 2. The legal domicile of the company shall be in the city of Houston.

Sec. 3. That the said company, under their corporate name, shall be empowered to deal in foreign and domestic exchange, bank notes, coin, bullion, cotton, wool, hides, or any other thing of value; to buy and sell the stock of any other incorporated company, or the bonds of any other company, or of any county, city or State; to issue, emit and circulate their own notes; provided, such circulation shall not exceed at any one time the amount of their capital stock already subscribed; and to do and perform all acts necessary for or incidental to the carrying out of the objects of the company or appertaining to a savings bank company.

Sec.4. That the capital stock of said company shall be fifty thousand dollars, including all its property, real and personal, franchises and rights to property. The stock of the company shall be divided into shares of twenty-five dollars each, which shall be considered personal property, and shall be transferable as may be provided in the by-laws, and payable at such times and in such sums as the directors may determine in their by-laws; and said company shall organize within two years after the passage of this act.

Sec. 5. That said company shall make by-laws for the government of its affairs and officers, which by-laws may be altered or amended, from time to time, as may be deemed advisable by a majority of the board of directors.

Sec. 6. That the management of said company shall consist of a board of directors, not less than five nor more than seven, to be elected annually by the stockholders. They shall elect from the board of directors one president, one vice president, and such other officers as may be prescribed by the by-laws, and their term of office shall be for one year, or until their successors qualify.

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Sec. 7. All obligations of the company shall be signed by the president and cashier.

Sec. 8. That the capital stock of the company may be increased to two hundred and fifty thousand dollars, by the board of directors, as may be prescribed by the by laws.

Sec. 9. That this act of incorporation shall take effect and be in force from and after its passage, and shall remain in force for the period of fifty years.

Approved December 2, 1871.

CHAPTER CLXI.

An Act to incorporate the Capital City Club of Austin, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Eugene Bremond, George W. Sampson, Julius Schutze, John H. Robinson, Charles S. West, William F. Ford, Fred. Carleton, S. B. Brush, R. N. Lane and their associates and successors be and they are hereby created a body corporate and politic for the promotion of benevolence and encouragement of musical and dramatic science, under the name and style of the Capital City Club, and by that name may buy, hold, enjoy, sell, convey and alienate property, both real and personal; and by the aforesaid name may sue and be sued, defend and be defended, plead and be impleaded in any court of law or equity in this State; provided, that the property of said association shall not exceed at any time the sum of fifty thousand dolllars.

Sec. 2. That said association shall be governed and controlled by a president, vice president, secretary and treasurer, together with a board of trustees; and the said association shall have power to enact by-laws, rules and regulations for its government, and to alter and amend the same, not inconsistent with the laws of this State.

Sec. 3. That said corporation shall have a common seal, and in general have and exercise all such rights, privileges and immunities as by law are incident thereto or necessary for corporations of similar character.

Sec. 4. That the aforesaid association shall have the right to give musical and dramatical entertainments, free from taxation, in order to enable them to carry out their objects as stated in section one.

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Sec. 5. That this act take effect from and after its passage, and remain in force thirty years.

Approved December 2, 1871.

CHAPTER CLXII.

An Act to authorize the late State Treasurer to institute suit Against the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That John T. Allan be and is hereby authorized to institute suit in the District Court of Travis county against the State of Texas, in order to obtain a settlement of accounts as late Treasurer of this State.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CLXIII.

An Act to incorporate the Cosmopolitan Club of the City of Galveston, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Bernard Marcus, Ed N. Ketchum, N. W. Grisamore, J. M. Forshey, Jas. H. Miller, Dan. A. Sullivan, Thad. Mathers, P. S. Wren, Jessie Butts, junior, J. D. Crawford, Charles Collett, Nathan Bock, Albert L. Arnold and their associates and successors, be and they are hereby constituted a body corporate and politic, under the name of the Cosmopolitan Club of the city of Galveston, to be located in said city, having for its object, benevolence, social refinement, and encouragement of musical, physical and literary sciences, and under the name aforesaid shall have power to buy, hold, enjoy, sell, convey, and alienate property, real and personal; sue and be sued, defend and be defended, plead and be impleaded in

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any court of law or equity, in this State; provided, that the property of said club shall not exceed at any time, the sum of twenty-five thousand dollars; provided, further, that said club shall be exempt from all occupation tax, State, county and municipal; and provided, further, that no malt, vinous, or spiritual liquor or tobacco in any shape, shall be sold by the club at their rooms, or in connection therewith, nor shall it be allowed to transact any business of profit.

Sec. 2. That the aforesaid club shall have power to frame a constitution, and to enact such by-laws as it may deem necessary for its own government, not contrary to the Constitution and laws of this State, and of the United States; and may elect from its own body the officers necessary for conducting the business of said club.

Sec. 3. That said corporation shall have a common seal, and in general have and exercise all such rights, privileges and immunities as by law are incident thereto or necessary for corporations of a similar character.

Sec. 4. That the aforesaid club shall have the right to give musical and dramatic entertainments whenever it may deem it proper to carry out its object as stated in section one of this act.

Sec. 5. That the privileges, immunities and franchises of this corporation shall expire unless renewed within thirty years, and that this act take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CLXIV.

An Act relative to the approval and payment of claims against the State for repairs, fixtures and furniture of the Governor's Mansion and its appurtenances, and for the improvement of the grounds appertaining thereto.

Section 1. Be it enacted by the Legislature of the State of Texas, That all claims against the State for the repair, fixtures and furniture of the Governor's mansion and its appurtenances, and for the improvement of the grounds appertaining thereto, shall be approved by the Governor, who shall direct in each case whether the claim is to be paid out of the appropriation for repairs of Gov-

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ernor's mansion, and furniture and improving grounds, or is to be paid out of a special appropriation for any one or all of the purposes before recited.

Sec. 2. That upon the presentation to the Comptroller of any claim, approved in accordance with the first section of this act, and stating the appropriation out of which said claim is to be paid, as provided in the said first section, it shall be the duty of the Comptroller forthwith to audit said claim, and to issue his warrant upon the Treasurer of the State for the payment of the same, in case the appropriation therefor has not been exhausted.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved December 2, 1871.

CHAPTER CLXV.

An Act to incorporate the Bell County Agricultural, Mechanical and Blood Stock Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That John W. Shanklin, V. H. Anderson, E. S. C. Robertson, O. T. Tyler, M. W. Damron, R. N. Wright, Theodore Van Ness, J. W. Vickry, Jefferson Reed, A. W. Collins, Robt. Hammil, Henry Harris, Robt. Childers, Ed. T. Reed, Silas Baggit, Ed. Flint, Elisha Embree, Ramsey Cox, D. D. Roseboro, J. F. Power, E. Fleming Cox, A. M. Keller, Wm. Redman, W. A. Miller, John Danley, J. A. Stringfellow, Hugh Miller, T. L. Miller, John Johnson, A. Tabler, Ed. Rancin, Julius Tobler, Dr. J. W. Hudson, A. W. Richard, and others, their associates and successors, be and they are hereby declared a body corporate and politic, under the name and style of the Bell County Agricultural, Mechanical and Blood Stock Association, and by said corporate name shall be capable of suing and being sued, pleading and being impleaded, contracting and being contracted with, and of doing and performing all things necessary to carry into effect the objects of this act. They shall also have a common seal.

Sec. 2. That the objects of said association are declared to be the improvement of the breed of domestic animals and the encouragement of agricultural and mechanical improvements, and for these purposes said association is authorized to purchase, import, breed,

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exhibit and sell any kind of domestic animals; to purchase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the mechanical, agricultural and manufacturing interest of the people of this State; provided, that nothing herein contained shall infringe upon the rights of patentees. For the further purpose of carrying out the objects above declared, said association is hereby authorized to own the necessary real estate for fair grounds, pastures and farming grounds, not to exceed six hundred and forty acres; and to erect upon the same such improvements as may be necessary to carry out the objects of this association. That the fair grounds and other improvements of said association shall be located in the county of Bell, in this State.

Sec. 3. That the capital stock of said association shall not exceed one hundred thousand dollars, and shall be divided into shares of twenty dollars each; and that the affairs of said association shall be conducted by a board of directors, to be elected by and from the stockholders of said association, and that said board shall consist of not more than twelve, and a president, vice president, secretary and treasurer, who shall be elected by and from the stockholders of said association; these officers and the board of directors shall make such by-laws, rules and regulations, and appoint such other officers and agents as may be necessary for the government and conduct of said association.

Sec. 4. That said association shall hold at least one fair in each year at such time as they may select, and shall publish in at least one newspaper in the county a list of premiums to be offered, at least one month before holding said meeting or fair.

Sec. 5. That all medals or tokens awarded at such fair shall be engraved as follows: First premium for....., B. C. A. M. and B. S. Association; provided, however, if they prefer, said association may pay their premiums in money.

Sec. 6. Not exceeding twenty-five per centum of the value of the premiums offered shall be exacted by said association from owners for the privilege of competing.

Sec. 7. That said association shall keep a seal engraved thus: B. C. A. M. and B. S. Association.

Sec. 8. That the domicile of said association shall be at the town of Belton.

Sec. 9. That this act take effect and be in force from and after its passage, and continue in force for the period of thirty years.

Approved December 2, 1871.

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CHAPTER CLXVI.

An Act to authorize the City Council of the City of Galveston to issue and negotiate the bonds of the City of Galveston, for the purpose of paying the over due debt of said city and to improve the streets of said city by grading, shelling, paving and repairing the same, and building culverts and breakwaters, and to create a fund to pay the interest and principal of said bonds.

Section 1. Be it enacted by the Legislature of the State of Texas, That the city council of the city of Galveston be and it is hereby authorized to issue and negotiate the bonds of said city, to such extent as may be necessary to pay the over due debt of said city, and also the bonds of said city, for the purpose of improving the streets of said city by grading, shelling, paving and repairing the same, and building culverts and breakwaters.

Sec. 2. Be it further enacted, That upon the negotiation of any of the bonds authorized in the first section of this act, whether for payment of the debt or for street improvement, the city council shall create a separate fund for each class of said bonds, by setting apart a per centage of the general revenues of said city from taxation, as a special fund for the payment of the principal and interest of said bonds, which per centage shall remain appropriated until all said bonds are paid off, and the fund derived from said per centage shall be drawn out solely for the purpose of paying the coupons of the particular bonds for which it is provided and the principal thereof when due.

Sec. 3. Be it further enacted, That the city council of the city of Galveston shall provide by ordinance for the issuance of said bonds, and direct the mode and time, and the rate and manner of the payment of interest, and make such other regulations as may be necessary to give effect to this act.

Sec. 4. Be it further enacted, That bonds for the payment of the over due debt of said city may be issued and negotiated under this act, to the extent of one hundred and fifty thousand dollars, and bonds for the improvement of the streets of said city, to the extent of three hundred and fifty thousand dollars, as they may be needed.

Sec. 5. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved December 2, 1871.

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THE STATE OF TEXAS, }
Department of State. }

I, J. E. Oldright, Acting Secretary of State for the State of Texas certify that the acts contained in this volume are true copies, taken from the originals in the Department of State, with which they have been carefully compared.

And I further certify, that the adjourned session of the Twelfth Legislature of said State commenced at the city of Austin on Tuesday, the twelfth day of September, in the year of our Lord one thousand eight hundred and seventy-one, and adjourned sine die on Saturday, the second day of December, in the year of our Lord one thousand eight hundred and seventy-one.

In testimony whereof, I have hereunto signed my name and have caused the seal of the Department of State to be [Seal.] affixed, at the city of Austin, this twenty-seventh day January, in the year of our Lord one thousand eight hundred and seventy-two.

J. E. OLDRIGHT,
Acting Secretary of State.

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Department of State,
Austin, Texas,

Without mentioning minor errors in the enrolled copy of the amendment to the city charter of Jefferson, Marion county, Chapter CXII, approved December 1, 1871, the following additional remarks are made, to-wit:

The following has been omitted in clause fifty-four of "Powers and Duties of Board of Aldermen," viz: "idle, loitering or rambling about, or staying in groceries, drinking saloons, house of ill fame, or houses of bad repute, gambling houses, railroad depots or fire engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also, keepers, exhibitors or visitors at any gaming table, gambling house, houses for fortune telling, places for cock fighting, or other places of device, and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or place where religious worship is held."

Also omitted, after section ten of "Public Improvements," the following, viz: "Removal of Nuisances."

Sec. 11. In all cases where expenses may be incurred in the removal of any nuisance, the board of aldermen may cause the same to be assessed against the real estate chargeable therewith. Such expense shall be likewise collected of the owner or occupant of such premises in a suit for money expended to his or their use. Suit may, in like manner, be brought for such expenses against the author of such nuisances, when known, or any person whose duty it may be to remove or abate the same.

The House journal also shows that the following amendment, viz: "Sec. 12, page 141. The corporate limits of said city shall be one mile in every direction, from the intersection of Broadway and Line streets in said city," was not adopted; further, that the amendment to section 2, of "Powers and Duties of Officers," viz: "twenty" in lieu of "thirty," in line seven, was not adopted by the House, but that the bill was returned to the Senate with no amendments whatever.

JAMES P. NEWCOMB,
Secretary of State.

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CONSTITUTION

OF

THE STATE OF TEXAS

ADOPTED BY THE

CONSTITUTIONAL CONVENTION

CONVENED UNDER THE RECONSTRUCTION ACTS OF CONGRESS, PASSED MARCH 2, 1867, AND THE ACTS SUPPLEMENTARY THERETO.

AUSTIN
1871

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CONSTITUTION

OF THE

STATE OF TEXAS.

PREAMBLE.

WE, THE PEOPLE OF TEXAS, acknowledging with gratitude the grace of God, in permitting us to make a choice of our form of government, do hereby ordain and establish this Constitution:

ARTICLE I.

BILL OF RIGHTS.

That the heresies of nullification and secession, which brought the country to grief, may be eliminated from future political discussion; that public order may be restored, private property and human life protected, and the great principles of liberty and equality secured to us and our posterity, We declare that:

SECTION 1. The Constitution of the United States, and the laws and treaties made, and to be made, in pursuance thereof, are acknowledged to be the supreme law; that this Constitution is framed in harmony with and in subordination thereto; and that the fundamental principles embodied herein can only be changed, subject to the national authority.

SEC. 2. All freemen, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments or privileges.

SEC. 3. No religious test shall be required as a qualification to any office of public trust in this State.

SEC. 4. All men have a natural and indefeasable right to worship God according to the dictates of their own consciences. No man shall be compelled to attend, erect, or support any place of worship; or to maintain any ministry against his consent. No

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human authority ought, in any case whatever, to control, or interfere with the rights of conscience in matters of religion; and no preference shall ever be given, by law, to any religious societies or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

SEC. 5. Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

SEC. 6. In prosecutions for the publication of papers, investigating the official conduct of officers, or of men in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all prosecutions for libels, the jury shall have the right to determine the law and the facts, under the direction of the Court, as in other cases.

SEC. 7. The people shall be secure in their persons, houses, papers, and possessions, from all unreasonable seizures or searches; and no warrant to search any place, or to seize any person or thing, shall issue, without describing such place, person or thing as near as may be, nor without probable cause, supported by oath or affirmation.

SEC. 8. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself, or by counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor; and no person shall be holden to answer for any criminal charge, but on indictment or information, except in cases arising in the land or naval forces or offenses against the laws regulating the militia.

SEC. 9. All prisoners shall be bailable upon sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a judge of the Supreme or District Court, upon the return of the writ of habeas corpus, returnable in the county where the offense is committed.

SEC. 10. The privileges of the writ of habeas corpus shall not be suspended, except by act of the Legislature, in case of rebellion or invasion, when the public safety may require it.

SEC. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishment inflicted. All courts shall be open, and every person, for an injury done him in

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his lands, goods, person or reputation, shall have remedy by due course of law.

SEC. 12. No person, for the same offense, shall be twice put in jeopardy of life; nor shall a person be again put upon trial for the same offense, after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

SEC. 13. Every person shall have the right to keep and bear arms, in the lawful defense of himself or the State, under such regulations as the Legislature may prescribe.

SEC. 14. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made; and no person's property shall be taken, or applied to public use without just compensation being made, unless by the consent of such person; nor shall any law be passed depriving a party of any remedy for the enforcement of a contract, which existed when the contract was made.

SEC. 15. No person shall ever be imprisoned for debt.

SEC. 16. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

SEC. 17. The military shall at all times be subordinate to the civil authority.

SEC. 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 19. The people shall have the right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with powers of government for redress of grievances, or other purposes, by petition, address or remonstrance.

SEC. 20. No power of suspending laws in the State shall be exercised, except by the Legislature or its authority.

SEC. 21. The equality of all persons before the law is herein recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor be exempted from any burden or duty, on account of race, color or previous condition.

SEC. 22. Importations of persons under the name of "coolies," or any other name or designation, or the adoption of any system of peonage, whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized or tolerated by the laws of this State; and neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever exist in this State.

SEC. 23. To guard against transgressions of the high powers herein delegated, we declare that everything in this Bill of Rights

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is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

DIVISION OF THE POWERS OF THE GOVERNMENT.

SECTION 1. The powers of the government of the State of Texas shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: those which are Legislative to one, those which are Executive to another, and those which are judicial to another; and no person, or collection of persons, being of one of those departments, shall exercise any power, properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. Every male person who shall have attained the age of twenty-one years, and who shal be (or who shall have declared his intention to become) a citizen of the United States, or who is, at the time of the acceptance of this Constitution by the Congress of the United States, a citizen of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, and is duly registered, (Indians not taxed excepted,) shall be deemed a qualified elector; and should such qualified elector happen to be in any other county, situated in the district in which he resides, at the time of an election, he shall be permitted to vote for any district officer; provided, that the qualified electors shall be permitted to vote anywhere in the State for State officers; and provided further, that no soldier, seaman, or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this Constitution.

SEC. 2. Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

SEC. 3. The legislative power of the State shall be vested in two distinct branches: the one to be styled the Senate, and the other the House of Representatives; and both together the "Legislature of the State of Texas." The style of the laws shall be: "Be it enacted by the Legislature of the State of Texas."

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SEC. 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of general election; and the sessions of the Legislature shall be annual, at such times as shall be prescribed by law.

SEC. 5. No person shall be a Representative unless he be a citizen of the United States, and shall have been a citizen of this State two years next preceding his election, and the last year thereof a citizen of the county, city, or town from which he shall be chosen, and shall have attained the age of twenty-one years, at the time of his election.

SEC. 6. All elections for State, district, and county officers shall be held at the county seats of the several counties, until otherwise provided by law; and the polls shall be opened for four days, from eight o'clock A. M. until four o'clock P. M. of each day.

SEC. 7. The House of Representatives shall consist of ninety members, and no more.

SEC. 8. The Senators shall be chosen by the qualified electors, hereafter, for the term of six years. Those elected at the first election shall be divided by lot into three classes, as nearly equal as can be. The seats of Senators of the first class shall be vacated at the expiration of the first two years; and of the second class, at the expiration of four years; and the third class, at the expiration of six years; so that one-third thereof shall be chosen biennially thereafter.

SEC. 9. Such mode of classifying new additional Senators shall be observed as will, as nearly as possible, preserve an equality of number in each class.

SEC. 10. The Senate shall consist of thirty Senators and no more.

SEC. 11. A new apportionment for Representative and Senatorial districts shall be made by the first Legislature in session after the official publication of the United States census every ten years.

SEC. 12. When a Senatorial district shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

SEC. 13. No person shall be a Senator unless he be a citizen of the United States, and shall have been a citizen of this State three years next preceding the election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of twenty-five years.

SEC. 14. No person shall be eligible to any office, State, county or municipal, who is not a registered voter in the State.

SEC. 15. The House of Representatives, when assembled, shall elect a Speaker and its other officers; and the Senate shall choose

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a President for the time being, and its other officers. Each House shall judge of the elections and qualifications of its own members; but contested elections shall be determined in such manner as shall be directed by law. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each House may provide.

SEC. 16. Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and with the consent of two-thirds, expel a member.

SEC. 17. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House, on any question, shall at the desire of any three members present, be entered upon the journals.

SEC. 18. Any member of either House shall have liberty to dissent from, or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for dissent entered on the journals.

SEC. 19. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies; and should the Governor fail to issue a writ of election to fill such vacancies, the returning officer for the district or county shall be authorized to order an election for that purpose.

SEC. 20. Senators and Representatives shall, in all cases, except in treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty-five miles, such member may reside from the place at which the Legislature is convened.

SEC. 21. Each House, during session, may punish by imprisonment any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings; provided, such imprisonment shall not at any one time exceed forty-eight hours.

SEC. 22. The doors of each House shall be kept open, except upon a call of either House, and when there is an executive session of the Senate.

SEC. 23. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting, without the concurrence of both Houses.

SEC. 24. Bills may originate in either House and be amended, altered or rejected by the other; but no bill shall have the force of a law until on three several days it be read in each House, and free discussion be allowed thereon, unless in case of great emerg-

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ency four-fifths of the House, in which the bill shall be pending, may deem it expedient to dispense with this rule; and every bill having passed both Houses shall be signed by the Speaker and President of their respective Houses; provided, that the final vote on all bills or joint resolutions appropriating money or lands for any purpose shall be by the yeas and nays.

SEC. 25. The Legislature shall not authorize by private or special law, the sale or conveyance of any real estate belonging to any person, or vacate or alter any road laid out by legal authority, or any street in any city or village, or in any recorded town plat, but shall provide for the same by general laws.

SEC. 26. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution, containing the same substance, shall be passed into a law during the same session.

SEC. 27. The Legislature shall not authorize any lottery, and shall prohibit the sale of lottery tickets.

SEC. 28. Each member of the Legislature shall receive from the public treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

SEC. 29. No Senator or Representative shall, while a member of the Legislature, be eligible to any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased, during such term; except it be in such cases as are herein provided. The President, for the time being, of the Senate, and Speaker of the House of Representatives, shall be elected from their respective bodies.

SEC. 30. No judge of any court of law or equity, Secretary of State, Attorney General, clerk of any court of record, sheriff or collector, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall be eligible to the Legislature; nor shall at the same time hold or exercise any two offices, agencies or appointments of trust or profit under this State: provided, that offices of militia to which there is attached no annual salary, the office of postmaster, notary public, and the office of justice of the peace, shall not be deemed lucrative; and that one person may hold two or more county offices, if so provided by the Legislature.

SEC. 31. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collection, and for all public moneys with which he may have been entrusted.

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SEC. 32. It shall be the duty of the Legislature immedia ely to expel from the body any member who shall receive or off r a bribe, or suffer his vote influenced by promise of preferment or reward; and every person so offending, and so expelled, sha l thereafter be disabled from holding any office of honor, trust or pr fit in this State.

SEC. 33. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SEC. 34. The whole number of Senators shall, at the next session after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen nor more than thirty.

SEC. 35. The members of the Legislature shall, at their first session hereafter, receive from the treasury of the State, as their compensation, eight dollars for each day they shall be in attendance, and eight dollars for each twenty-five miles in traveling to and from the seat of government. The above rates of compensation shall remain till changed by law.

SEC. 36. The Legislature shall proceed, as early as practicable, to elect Senators to represent this State in the Senate of the United States; and also provide for future elections of Representatives to the Congress of the United States; and on the second Tuesday, after the first assembling of the Legislature after the ratification of this Constitution, the Legislature shall proceed to ratify the thirteenth and fourteenth Articles of Amendment to the Constitution of the United States of America.

SEC. 37. In order to settle permanently the seat of government, an election shall be holden, throughout the State, at the usual places of holding elections, at the first general election after the acceptance of this Constitution by the Congress of the United States, which shall be conducted according to law, at which time the people shall vote for such place as they may see proper for the seat of government; the returns of said election to be transmitted to the Governor with the other returns of that election.

If either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government. But in case neither place voted for shall have the majority of the whole number of votes given in, the Governor shall issue his proclamation for an election, to be holden in the same manner, at the next following general election, between the two places having the highest number of votes at the first election. This election shall be conducted in the same manner as at the first, and the returns made to the Governor, and the place having the

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SEC. 38. The first Legislature shall pass such laws as will authorize the clerks of the district court and the justices of the peace of the several counties to issue executions after the adjournment of each term of their respective courts, against the plaintiff or defendant for all costs created by them in any suit or suits therein.

SEC. 39. Until otherwise provided by law, the Senatorial and Representative districts shall be composed of the following counties.

First District—Chambers, Jefferson, Orange, Liberty, Hardin, Newton, Jasper, Tyler and Polk counties.

Second District—Trinity, Angelina, San Augustine, Sabine, Nacogdoches and Shelby counties.

Third District—Houston and Cherokee counties.

Fourth District—Anderson, Henderson and Van Zandt counties.

Fifth District—Rusk and Panola counties.

Sixth District—Smith and Upshur counties.

Seventh District—Harrison county.

Eighth District—Marion, Davis and Bowie counties.

Ninth District—Titus and Red River counties.

Tenth District—Wood, Hopkins and Hunt counties.

Eleventh District—Lamar and Fannin counties.

Twelfth District—Galveston, Brazoria and Matagorda counties.

Thirteenth District—Wharton, Fort Bend and Austin counties.

Fourteenth District—Harris and Montgomery counties.

Fifteenth District—Walker, Grimes and Madison counties.

Sixteenth District—Washington county.

Seventeenth District—Burleson, Brazos and Milam counties.

Eighteenth District—Robertson, Leon and Freestone counties.

Nineteenth District—McLennan, Limestone and Falls counties.

Twentieth District—Hill, Navarro, Ellis and Kaufman counties.

Twenty-first District—Dallas, Collin and Tarrant counties.

Twenty-second District—Grayson, Cook, Denton, Wise, Montague, Jack, Clay, Young, Wichita, Throckmorton, Baylor, Wilbarger, Haskell, Knox and Hardeman counties.

Twenty-third District—Bosque, Johnson, Hood, Parker, Erath, Palo Pinto, Eastland, Stephens, Callahan, Jones, Shackleford and Taylor counties.

Twenty-fourth District—Calhoun, Jackson, Victoria, Rufugio, San Patricio, Bee, Goliad and De Witt counties.

Twenty-fifth District—Lavaca and Colorado counties.

Twenty-Sixth District—Fayette and Bastrop counties.

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Seventh District—Harrison county.

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Twenty-fifth District—Lavaca and Colorado counties.

Twenty-Sixth District—Fayette and Bastrop counties.

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Twenty-seventh District—Gonzales, Guadalupe and Caldwell counties.

Twenty-eighth District—Hays, Travis, Williamson, Bell, Coryell, Lampasas, San Saba, Hamilton, Comanche, Brown, Coleman, Concho and McCulloch counties.

Twenty-ninth District—Bexar, Wilson, Comal, Kendall, Blanco, Burnett, Llano, Mason, Gillespie, Kerr, Bandera, Edwards, Kimball and Menard counties.

Thirtieth District—Cameron, Hidalgo, Starr, Nueces, Duval, Zapata, Live Oak, McMullen, Encinal, Lasalle, Webb, Dimmitt, Maverick, Zavalla, Frio, Atascosa, Karnes, Kinney, Uvalde, Medina, Presidio and El Paso counties.

SEC. 40. The Senators and Representatives shall be apportioned among the several Senatorial and Representative Districts as follows, to-wit:

First District—One Senator and three Representatives.
Second District—One Senator and three Representatives.
Third District—One Senator and three Representatives.
Fourth District—One Senator and three Representatives.
Fifth District—One Senator and three Representatives.
Sixth District—One Senator and three Representatives.
Seventh District—One Senator and two Representatives.
Eighth District—One Senator and three Representatives.
Ninth District—One Senator and three Representatives.
Tenth District—One Senator and three Representatives.
Eleventh District—One Senator and three Representatives.
Twelfth District—One Senator and three Representatives.
Thirteenth District—One Senator and three Representatives.
Fourteenth District—One Senator and three Represntatives.
Fifteenth District—One Senator and three Representatives.
Sixteenth District—One Senator and two Representatives.
Seventeenth District—One Senator and three Representatives.
Eighteenth District—One Senator and three Representatives.
Nineteenth District—One Senator and three Representatives.
Twentieth District—One Senator and three Representatives.
Twenty-first District—One Senator and three Representatives.
Twenty-second District—One Senator and three Representatives.
Twenty-third District—One Senator and three Representatives.
Twenty-fourth District—One Senator and three Representatives.
Twenty-fifth District—One Senator and three Representatives.
Twenty-sixth District—One Senator and three Representatives.
Twenty-Seventh District—One Senator and three Representatives.
Twenty-eighth District—One Senator and four Representatives.
Twenty-ninth District—One Senator and four Representatives.

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Thirtieth District—One Senator and three Representatives.

SEC. 41. In the several Senatorial and Representative Districts, composed of more counties than one, the Chief Justice of the following named counties shall receive the returns, and give certificates of election to the persons respectively receiving the highest number of votes, to-wit:

First District—Chief Justice of Liberty county.
Second District—Chief Justice of Nacogdoches county.
Third District—Chief Justice of Cherokee county.
Fourth District—Chief Justice of Anderson county.
Fifth District—Chief Justice of Rusk county.
Sixth District—Chief Justice of Smith county.
Seventh District—Chief Justice of Harrison county.
Eighth District—Chief Justice of Marion county.
Ninth District—Chief Justice of Red River county.
Tenth District—Chief Justice of Hopkins county.
Eleventh District—Chief Justice of Lamar county.
Twelfth District—Chief Justice of Galveston county.
Thirteenth District—Chief Justice of Fort Bend county.
Fourteenth District—Chief Justice of Harris county.
Fifteenth District—Chief Justice of Grimes county.
Sixteenth District—Chief Justice of Washington county.
Seventeenth District—Chief Justice of Burleson county.
Eighteenth District—Chief Justice of Robertson county.
Nineteenth District—Chief Justice of McLennan county.
Twentieth District—Chief Justice of Navarro county.
Twenty-first District—Chief Justice of Dallas county.
Twenty-second District—Chief Justice of Grayson county.
Twenty-third District—Chief Justice of Bosque county.
Twenty-fourth District—Chief Justice of Victoria county.
Twenty-fifth District—Chief Justice of Colorado county.
Twenty-sixth District—Chief Justice of Fayette county.
Twenty-seventh District—Chief Justice of Gonzales county.
Twenty-eighth District—Chief Justice of Travis county.
Twenty-ninth District—Chief Justice of Bexar county.
Thirtieth District—Chief Justice of Nueces county.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department of the State shall consist of a Chief Magistrate who shall be styled the Governor, a Lieutenant Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Attorney General and Superintendent of Public Instruction.

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SEC. 2. The Governor shall be elected by the qualified voters of the State, at the time and places at which they shall vote for Representatives to the Legislature.

SEC. 3. The returns for every election of Governor shall be made out, sealed up, and transmitted by the returning officers to the seat of Government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them, in the presence of both Houses of the Legislature. The person having the highest number of votes and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be forthwith chosen Governor, by a joint vote of both Houses of the Legislature. Whenever there shall be a contested election for the office of Governor, or of any of the Executive officers to be elected by the qualified voters of the State, it shall be determined by the joint action of both houses of the Legislature.

SEC. 4. The Governor shall hold his office for the term of four years from the time of his installment, and until his successor shall be duly qualified. He shall be at least thirty years of age, a citizen of the United States, and shall have been a resident and citizen of the State of Texas for three years immediately preceding his election. He shall be inaugurated on the first Thursday after the organization of the Legislature, or as soon thereafter as practicable.

SEC. 5. The Governor shall, at stated times, receive a compensation for his services, which shall not be increased nor diminished during the term for which he may have been elected. His annual salary shall be five thousand dollars, until otherwise provided by law, exclusive of the use and occupation of the Governor's Mansion, fixtures and furniture.

SEC. 6. He shall be Commander-in-Chief of the militia of the State, except when they are called into the actual service of the United States.

SEC. 7. He may, at all times, require information in writing, from all the officers of the Executive Department, on any subject relating to the duties of their offices. If a vacancy occurs in any of the executive offices, by death, resignation or removal, or from any other cause, during the recess of the Legislature, the Governor shall have power, by appointment, to fill such vacancy; which appointment shall continue in force till the succeeding session of the Legislature, when he shall communicate such appointment to the Senate for confirmation, or rejection. If it be confirmed by the Senate the tenure of office shall continue until the regular return of the periodic election of said office.

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SEC. 8. He shall have power by proclamation, on extraordinary occasions, to convene the Legislature at the seat of government; but if the prevalence of dangerous disease, or the presence of the public enemy there, shall render it necessary, then at any other place within the State he may deem expedient.

SEC. 9. He shall, from time to time, give to the Legislature information, in writing, of the condition of the State, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason; and, to this end, he may respite a sentence therefor until the close of the succeeding session of the Legislature; provided, that in all cases of remission of fines or forfeitures, or grants of reprieve or pardon, the Governor shall file, in the office of the Secretary of State, his reasons therefor.

SEC. 12. Nominations to fill vacancies occurring in the recess of the Legislature, shall be made by the Governor during the first ten days of its session; and should any such nomination be rejected, the same person shall not again be nominated, during the session, to fill the same office.

SEC. 13. During the sessions of the Legislature, the Governor shall reside where its sessions are held; and at all other times at the capital, except when, in the opinion of the Legislature, the public good may otherwise require.

SEC, 14. No person, holding the office of Governor, shall hold any other office or commission, civil or military.

SEC. 15. At the time of the election of a Governor, there shall also be elected by the qualified voters of the State, a Lieutenant Governor, possessing the same qualifications as the Governor, and who shall continue in office for the same period of time. He shall, by virtue of his office, be President of Senate; and shall have, when in committee of the whole, the right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability, or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified; or until the Governor, impeached, absent or disabled, shall be acquitted, returned, or his disability be removed.

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SEC. 16. Whenever the Lieutenant Governor shall become the acting Governor, or shall be unable to preside over the Senate, that body shall elect from its own members a President for the time being. If during the vacancy in the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, be removed from office, or be unable to serve; or if he be impeached, or absent from the State, the President of the Senate for the time being shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant Governor. The compensation of the Lieutenant Governor shall be twice the per diem or pay of a Senator, and no more; and, while acting Governor, the same compensation as a Governor would receive for a like period of service, in his office, and no more. The President of the Senate, for the time being, if called upon to administer the government in any of the contingencies enumerated, shall be entitled to the portion of the salary of the Governor due for the time of such service. If the Lieutenant Governor, while acting Governor by succession, shall die resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State to convene the Senate for the purpose of choosing a President of the Senate for the time being.

SEC. 17. There shall be a Secretary of State appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, with all papers, minutes and vouchers relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law.

SEC. 18. There shall be a seal of the State, which shall be kept by the Governor and used by him officially. The seal shall be a star of five points, encircled by an olive and live oak branches, and the words, "The State of Texas."

SEC. 19. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 20. There shall be a Comptroller of Public Accounts, elected by the qualified voters of the State, at the same time and in the same manner as the Governor is elected, and having the same qualifications, who shall hold his office for the term of four years. He shall superintend the fiscal affairs of the State; give instructions to the assessors and collectors of the taxes; settle with them for taxes; take charge of all escheated property; keep an accurate account of all moneys paid into the treasury and of all lands escheated to the State; publish annually a list of delinquent assessors and collectors, and demand of them an annual list of all

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tax payers in their respective counties, to be filed in his office; keep all the accounts of the State; audit all the claims against the State; draw warrants upon the treasury in favor of the public creditors, and perform such other duties as may be prescribed by law.

SEC. 21. There shall be a Treasurer of the State, elected at the same time of the election of Governor, having the same qualifications as the Governor and Comptroller of Public Accounts, who shall hold his office for the same period of time. He shall receive and take charge of all public money paid into the treasury; in the same manner as the Governor, Comptroller of Public Accounts; pay off the public creditors upon the warrant of the Comptroller of Public Accounts, and perform all such other duties as may be prescribed by law.

SEC. 22. A Commissioner of the General Land Office shall be elected by the qualified voters of the State at the same time and in the same manner as the Governor, Comptroller of Public Accounts and Treasurer may be elected, who shall hold his office for a like period of time, and shall possess the same qualifications. He shall be the custodian of the archives of the land titles of the State; the register of all land titles hereafter granted, and shall perform such other duties as may be required by law.

SEC. 23. There shall be an Attorney General of the State, having the same qualifications as the Governor, Lieutenant Governor, Comptroller of Public Accounts and Treasurer, who shall be appointed by the Governor, with the advice and consent of the Senate. He shall hold his office for the term of four years. He shall reside at the capital of the State during his term of office. He shall represent the interests of the State in all suits or pleas in the Supreme Court in which the State may be a party; superintend, instruct and direct the official action of the district attorneys so as to secure all fines and forfeitures, all escheated estates, and all public moneys to be collected by suit; and he shall, when necessary, give legal advice in writing to all officers of the government, and perform such other duties as may be required by law.

SEC. 24. The Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Attorney General, shall each receive for his services the annual salary of three thousand dollars; and which shall neither be increased nor diminished during his continuance in office.

SEC. 25. Every bill, which shall have passed both Houses of the Legislature, shall be presented to the Governor for his approval. If he approve, he shall sign, it but if he disapprove it, he shall return it, with his objections to that House in which it originated; which House shall enter the objection at large upon the journals of the House, and proceed to reconsider it. If, after such recon-

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sideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered. If approved by two-thirds of the members present of that House, it shall become a law; but, in such cases both Houses shall determine the question by yeas and nays, with the names of the members respectively entered upon the journals of each House. If a bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall become a law in like manner as if he had signed it. Every bill presented to the Governor one day before the final adjournment of the two Houses, and not signed by him, shall become a law, and shall have the same force and effect as if signed by him. The Governor may approve any appropriation and disapprove any other appropriation in the same bill, by signing the bill, and designating the appropriation disapproved and sending a copy of such appropriation, with his objections, to the House in which it originated; and the same proceedings shall be had, on that part disapproved, as on other bills disapproved by him; but if the Legislature shall have adjourned before it is returned, he shall return it, with his objections, to the Secretary of State, to be submitted to both Houses at the succeeding session of the Legislature.

SEC. 26. Every order, resolution, or vote, in which the concurrence of both Houses shall be required, except the question of adjournment, shall be presented to the Governor, and must be approved by him before it can take effect; or being disapproved, shall be re-passed in the manner prescribed in the case of a bill.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of this State shall be vested in the Supreme Court, in District Courts, and in such inferior courts and magistrates as may be created by this Constitution, or by the Legislature under its authority. The Legislature may establish criminal courts in the principal cities within the State, with such criminal jurisdiction, co-extensive with the limits of the county wherein such city may be situated, and under such regulations as may be prescribed by law; and the Judge thereof may preside over the courts of one or more cities, as the Legislature may direct.

SEC. 2. The Supreme Court shall consist of three judges any two of whom shall constitute a quorum. They shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of nine years. But the judges first appointed under this Constitution, shall be so classified by lot, that the term of one

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of them shall expire at the end of every three years. The judge whose term shall soonest expire shall be the presiding judge. All vacancies shall be filled for the unexpired term. If a vacancy shall occur, or a term shall expire, when the Senate is not in session, the Governor shall fill the same by appointment, which shall be sent to the Senate within ten days after that body shall assemble, and, if not confirmed, the office shall immediately become vacant.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which, in civil causes, shall be co-extensive with the limits of the State. In criminal causes no appeal shall be allowed to the Supreme Court unless some judge thereof shall, upon inspecting a transcript of the record, believe that some error of law has been committed by the judge before whom the cause was tried; provided, that said transcript of the record shall be presented within sixty days from the date of the trial, under such rules and regulations as shall be prescribed by the Legislature. Appeals from interlocutory judgments may be allowed, with such exceptions and under such regulations as the Legislature may prescribe. The Supreme Court and the judges thereof, shall have power to issue the writ of habeas corpus; and under such regulations as may be prescribed by law, may issue the writ of mandamus, and such other writs as may be necessary to enforce its own jurisdiction. The Supreme Court shall also have power to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction.

SEC. 4. The Supreme Court shall hold its sessions annually at the capital of the State.

SEC. 5. The Supreme Court shall appoint its own clerk, who shall hold his office for four years, unless sooner removed by the court for good cause, entered of record on the minutes of the court. The said clerk shall give bond in such manner as is now, or may hereafter be required by law.

SEC. 6. The State shall be divided into convenient judicial districts, for each of which one judge shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of eight years, who shall, after his appointment, reside within the district, and shall hold a court three times a year in each county thereof, at such time and place as may be prescribed by law; provided, that at the first general election after the 4th of July, 1876, the question shall be put to the people, whether the mode of election of judge of the Supreme and District Courts shall not be returned to.

SEC. 7. The District Court shall have original jurisdiction of all criminal cases; of all causes in behalf of the State to recover penalties, forfeitures and escheats; and of all suits and cases in which the State may be interested; of all cases of divorce; of all suits to recover damages for slander or defamation of character;

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of all suits for the trial of title to land; of all suits for the enforcement of liens; and of all suits, complaints and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest; and the said courts, and the judges thereof, shall have power to issue the writ of habeas corpus, and all other writs necessary to enforce their own jurisdiction, and to give them a general superintendence and control over inferior tribunals. The District Court shall also have appellate jurisdiction in cases originating in inferior courts, with such exceptions, and under such regulations, as the Legislature may prescribe. And the District Court shall also have original and exclusive jurisdiction for the probate of wills; for the appointing of guardians; for the granting of letters testamentary and of administration; for settling the accounts of executors, administrators and guardians; and for the transaction of all business appertaining to the estates of deceased persons, minors, idiots, lunatics, and persons of unsound mind; and for the settlement, partition and distribution of such estates, under such rules and regulations as may be prescribed by law.

SEC. 8. In the trial of all criminal cases the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine to be imposed, except in cases where the punishment of fine shall be specifically imposed by law; provided, that in all cases where by law it may be provided that capital punishment may be inflicted, the jury shall have the right, in their own discretion, to substitute imprisonment to hard labor for life.

SEC. 9. A clerk of the District Court for each county shall be elected by the qualified electors in each county, who shall hold his office for four years, subject to removal by the judge of said court for cause spread upon the minutes of the court. The said clerk shall exercise such powers, and perform such duties, appertaining to the estates of deceased persons, lunatics, idiots, minors, and persons of unsound mind, in vacation as may be prescribed by law; provided, that all contested issues of law or fact shall be determined by the District Court. And the clerk of the district court shall be recorder for the county of all deeds, bonds and other instruments required by law to be recorded, and also ex officio clerk of the police or county court; and by virtue of his office shall have control of the records, papers, and books of the district and county or police court, and shall generally perform the duties heretofore required of county and district clerks.

SEC. 10. The judges of the Supreme and District Courts shall be removed by the Governor, on the address of two-thirds of the members elected to each House of the Legislature, for incompentency, neglect of duty, or other reasonable causes, which are

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not sufficient ground for impeachment; provided, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House; and provided further, that the cause or causes shall be notified to the judges so intended to be removed; and he shall be admitted to a hearing in his own defense, before any vote for such address shall pass. And in all such cases the vote shall be taken by yeas and nays, and entered in the journals of each House respectively.

SEC. 11. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the case. When the Supreme Court, or a quorum thereof, shall be thus disqualified to hear and determine any case or cases in said court, by reason of the equal division of opinion of said judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons, learned in the law, for the trial and determination of said case or cases. When a Judge of the District Court is thus disqualified, the parties may, by consent, appoint a proper person to try the case, and upon their failing to do so, the case shall be transferred for trial to the county in the adjoining district, whose county seat is nearest to that of the county where the case is pending. District Judges may exchange districts or hold courts for each other, when they may deem it expedient and shall do so when directed by law; and when the District Judge is disqualified to try any case, or cases, within his district, the Governor of the State, on such facts being certified to him, may appoint some person, learned in the law, to try such case or cases, who shall receive such compensation, as may be given by law. The disqualification of judges of inferior tribunals shall be remedied as prescribed by law.

SEC. 12. There shall be a District Attorney elected by the qualified voters of each Judicial District who shall hold his office for four years; and the duties, salaries and perquisites of District Attorney shall be prescribed by law.

SEC. 13. The Judges of the Supreme Court shall receive a salary of not less than four thousand five hundred dollars annually, and the Judges of the District Court, a salary not less than three thousand five hundred dollars annually. And the salaries of the judges shall not be diminished during their continuance in office.

SEC. 14. When a vacancy shall occur in the office of Judge of the District Court, at a time when the Senate is not in session, the Governor shall fill the same by appointment, which shall be sent to the Senate, within ten days after that body shall assemble; and if not confirmed, the office shall immediately become vacant.

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of all suits for the trial of title to land; of all suits for the enforcement of liens; and of all suits, complaints and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest; and the said courts, and the judges thereof, shall have power to issue the writ of habeas corpus, and all other writs necessary to enforce their own jurisdiction, and to give them a general superintendence and control over inferior tribunals. The District Court shall also have appellate jurisdiction in cases originating in inferior courts, with such exceptions, and under such regulations, as the Legislature may prescribe. And the District Court shall also have original and exclusive jurisdiction for the probate of wills; for the appointing of guardians; for the granting of letters testamentary and of administration; for settling the accounts of executors, administrators and guardians; and for the transaction of all business appertaining to the estates of deceased persons, minors, idiots, lunatics, and persons of unsound mind; and for the settlement, partition and distribution of such estates, under such rules and regulations as may be prescribed by law.

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SEC. 15. The Judges of the Supreme and District Courts shall, by virtue of their offices be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the "State of Texas," and conclude, "against the peace and dignity of the State."

SEC. 16. In all cases of law or equity, when the matter in controversy shall be valued at or exceed ten dollars, the right of trial by jury shall be preserved, unless the same shall be waived by the parties or their attorneys, except in cases where a defendant may fail to appear and answer, within the time prescribed by law, and the cause of action is liquidated and proved by an instrument in writing.

SEC. 17. Every criminal offense that may by law be punished by death, or in the discretion of the jury by imprisonment to hard labor for life, and every offense that may by law be punished by imprisonment in the State penitentiary, shall be deemed a felony, and shall only be tried upon an indictment found by a grand jury. But all offenses of a less grade than a felony, may be prosecuted upon complaint, under oath, by any peace officer or citizen, before any justice of the peace or other inferior tribunal, that may be established by law; and the party so prosecuted shall have the right of trial by a jury, to be summoned in such manner as may be prescribed by law.

SEC. 18. One sheriff for each county shall be elected by the qualified voters thereof who shall hold his office for four years, subject to removal by the judge of the district court for said county for cause spread upon the minutes of the court. Process against the sheriff, and all such writs as by reason of interest in the suit, or connection with the parties, or for other cause, the sheriff is incompetent to execute, shall issue to and be executed by any constable in the county.

SEC. 19. There shall be elected in each county, by the qualified voters thereof, as may be directed by law, five justices of the peace, one of whom shall reside, after his election, at the county seat; and not more than one of said justices shall be a resident of the same justice's precinct. They shall hold their offices for four years, should a vacancy occur in either of said offices an election shall be held for the unexpired term.

SEC. 20. Justices of the peace shall have such civil and criminal jurisdiction as shall be provided by law. And the justices of the peace in each county, or any three of them, shall constitute a court, having such jurisdiction, similar to that heretofore exercised by county commissioners and police courts, as may be prescribed by law. And when sitting as such court the justice who resides at the county seat shall be the presiding justice. The times and man-

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ner of holding said courts shall be prescribed by law. Justices of the peace shall also be commissioned to act as notaries public. Justices of the peace shall also discharge all the duties of coroner, except such as by section twenty-one of this article are devolved upon constables.

SEC. 21. Each county shall be divided into five justices' precincts; and the justices of the peace in each county, sitting as a county court, shall appoint one constable for each justice's precinct, who shall hold his office for four years, subject to removal by said court for cause spread upon the minutes of the court; and said constables, or either of them, in addition to the ordinary duties of their office, shall discharge the duties of sheriff in all cases as heretofore devolved those duties upon the coroner.

SEC. 22. Sheriffs and justices of the peace shall be commissioned by the Governor.

SEC. 23. Sheriffs, district clerks and justices of the peace, when acting as such, and when acting as a county court, shall receive such fees or other compensation as may be provided for by law.

SEC. 24. All county and district officers, whose removals are not otherwise provided for, may be removed, on conviction by a jury, after indictment, for malfeasance, nonfeasance, or misfeasance in office.

SEC. 25. In all cases arising out of a contract, before any inferior tribunal, when the amount in controversy shall exceed ten dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.

SEC. 26. In the trial of all causes in the district court, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed by law.

ARTICLE VI.

RIGHT OF SUFFRAGE.

SECTION 1. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under disabilities named in this Constitution, without distinction of race, color or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be elected by the people, and upon all questions submitted to the electors at any election; provided, that no person shall be allowed to vote, or hold office, who is now, or hereafter may be disqualified therefor, by the Con-

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stitution of the United States, until such disqualification shall be removed by the Congress of the United States; provided, further, that no person, while kept in any asylum, or confined in prison, or who has been convicted of a felony, or who is of unsound mind, shall be allowed to vote or hold office.

ARTICLE VII.

MILITIA.

SECTION 1. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrection and repel invasions.

ARTICLE VIII.

IMPEACHMENT.

SECTION 1. The power of impeachment shall be vested in the House of Representatives.

SEC. 2. Impeachment of the Governor, Attorney General, Secretary of State, Treasurer, Comptroller, and of the judges of the district courts, shall be tried by the Senate.

SEC. 3. Impeachment of Judges of the Supreme Court shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon oath, or affirmation; and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 4. Judgment, in cases of impeachment, shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment, according to law.

SEC. 5. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The appointing power may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

SEC. 6. The Legislature shall provide for the trial, punishment, and removal from office, of all other officers of the State, by indictment or otherwise.

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ARTICLE IX.

PUBLIC SCHOOLS.

SECTION 1. It shall be the duty of the Legislature of this State, to make suitable provisions for the support and maintenance of a system of public free schools, for the gratuitous instruction of all the inhabitants of this State, between the ages of six and eighteen years.

SEC. 2. There shall be a Superintendent of Public Instruction, who, after the first term of office, shall be elected by the people; the first term of office shall be filled by appointment of the Governor, by and with the advice and consent of the Senate. The Superintendent shall hold his office for the term of four years. He shall receive an annual salary of two thousand five hundred dollars, until otherwise provided by law. In case of vacancy in the office of the Superintendent, it shall be filled by appointment of the Governor, until the next general election.

SEC. 3. The Superintendent shall have the supervision of the public free schools of the State, and shall perform such other duties concerning public instruction as the Legislature may direct. The Legislature may lay off the State into convenient school districts, and provide for the formation of a board of school directors in each district. It may give the district boards such legislative powers, in regard to the schools, school houses, and school fund of the district, as may be deemed necessary and proper. It shall be the duty of the Superintendent of Public Instruction to recommend to the Legislature, such provisions of law as may be found necessary, in the progress of time, to the establishment and perfection of a complete system of education, adapted to the circumstances and wants of the people of this State. He shall, at each session of the Legislature, furnish that body with a complete report of all the free schools in the State, giving an account of the condition of the same and the progress of education within the State. Whenever required by either House of the Legislature, it shall be his duty to furnish all information called for, in relation to public schools.

SEC. 4. The Legislature shall establish a uniform system of public free schools throughout the State.

SEC. 5. The Legislature, at its first session, (or as soon thereafter as may be possible,) shall pass such laws as will require the attendance on the public free schools of the State of all the scholastic population thereof, for the period of at least four months of each and every year; provided, that when any of the scholastic inhabitants may be shown to have received regular instruction, for said period of time in each and every year, from any private teacher having a proper certificate of competency, this shall ex-

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empt them from the operation of the laws contemplated by this section.

SEC. 6. As a basis for the establishment and endowment of said public free schools, all the funds, lands, and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of public schools, shall constitute the public school fund. And all sums of money that may come to this State hereafter from the sale of any portion of the public domain of the State of Texas, shall also constitute a part of the public school fund. And the Legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such public school fund. And the Legislature shall set apart, for the benefit of public schools, one-fourth of the annual revenue derivable from general taxation; and shall also cause to be levied and collected, an annual poll tax of one dollar, on all male persons in this State, between the ages of twenty-one and sixty years, for the benefit of public schools. And said fund and the income derived therefrom, and the taxes herein provided for school purposes shall be a perpetual fund, to be applied, as needed, exclusively for the education of all the scholastic inhabitants of this State; and no law shall ever be made appropriating such fund for any other use or purpose whatever.

SEC. 7. The Legislature shall, if necessary, in addition to the income derived from the public school fund, and from the taxes for school purposes provided for in the foregoing section, provide for the raising of such amount by taxation, in the several school districts in the State, as will be necessary to provide the necessary school houses in each district, and insure the education of all the scholastic inhabitants of the several districts.

SEC. 8. The public lands heretofore given to counties shall be under the control of the Legislature, and may be sold under such regulations as the Legislature may prescribe; and in such case the proceeds of the same shall be added to the public school fund.

SEC. 9. The Legisature shall, at its first session, (and from time to time thereafter, as may be found necessary,) provide all needful rules and regulations for the purpose of carrying into effect the provisions of this article. It is made the imperative duty of the Legislature to see to it, that all the children in the State, within the scholastic age, are, without delay, provided with ample means of education. The Legislature shall annually appropriate for school purposes, and to be equally distributed among all the scholastic population of the State, the interest accruing on the School Fund, and the income derived from taxation for school purposes; and shall, from time to time, as may be necessary, invest the principal of the school fund in the bonds of the United States Government, and in no other security.

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ARTICLE X.

LAND OFFICE.

SEC. 1. There shall be one General Land Office in the State, which shall be at the seat of government, where all titles which have heretofore emanated or may hereafter emanate from government, shall be registered; and the Legislature may establish, from time to time, such subordinate offices as they may deem requisite.

SEC. 2. That the residue of the public lands may be ascertained, it is declared that all surveys of land heretofore made, and not returned to the General Land Office, in accordance with the provisions of an act entitled "An act concerning surveys of land," approved 10th February, 1852, are hereby declared null and void.

SEC. 3. All certificates of land located after the 30th day of October, 1856, upon lands which were titled before such location of certificate, are hereby declared null and void; provided, that in cases where the location, for the want of correct maps, or proper connection of surveys, is found to be in conflict with older surveys, whether titled or not, such certificates may be lifted and relocated.

SEC. 4. All unsatisfied genuine land certificates, now in existence, shall be surveyed and returned to the General Land Office by the first day of January, 1875, or be forever barred.

SEC. 5. All public lands heretofore reserved for the benefit of railroads or railway companies, shall hereafter be subject to location and survey by any genuine land certificates.

SEC. 6. The Legislature shall not hereafter grant lands to any person or persons, nor shall any certificates for land be sold at the Land Office, except to actual settlers upon the same, and in lots not exceeding one hundred and sixty acres.

SEC. 7. All lands granted to railway companies, which have not been alienated by said companies, in conformity with the terms of their charters, respectively, and the laws of the State under which the grants were made, are hereby declared forfeited to the State for the benefit of the school fund.

SEC. 8. To every head of a family who has not a homestead, there shall be donated one hundred and sixty acres of land out of the public domain, upon the condition that he will select, locate and occupy the same for three years, and pay the office fees on the same. To all single men, twenty-one years of age, there shall be donated eighty acres of land out of the public domain, upon the same terms and conditions as are imposed upon the head of a family.

SEC. 9. The State of Texas hereby releases to the owner or owners of the soil all mines and mineral substances that may be on the same, subject to such uniform rate of taxation as the Legislature may impose.

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ARTICLE XI.

IMMIGRATION.

SECTION 1. There shall be a Bureau, known as the "Bureau of Immigration," which shall have supervision and control of all matters connected with immigration. The head of this Bureau shall be styled the "Superintendent of Immigration." He shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office for four years, and until otherwise fixed by law, shall receive an annual compensation of two thousand dollars. He shall have such further powers and duties connected with immigration as may be given by law.

SEC. 2. The Legislature shall have power to appropriate part of the ordinary revenue of the State for the purpose of promoting and protecting immigration. Such appropriation shall be devoted to defraying the expenses of this Bureau, to the support of agencies in foreign seaports, or seaports of the United States, and to the payment in part or in toto of the passage of immigrants from Europe to this State, and their transportation within this State.

ARTICLE XII.

GENERAL PROVISIONS.

SECTION 1. Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I (A. B.,) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all duties incumbent on me as ————, according to the best of my skill and ability and that I will support the Constitution and laws of the United States and of this State. And I do further swear (or affirm) that since the acceptance of this Constitution by the Congress of the United States, I, being a citizen of this State, have not fought a duel with deadly weapons, or committed an assault upon any person with deadly weapons, or sent or accepted a challenge to fight a duel with deadly weapons or acted as second in fighting a duel, or knowingly aided or assisted any one thus offending, either within this State or out of it; that I am not disqualified from holding office under the Fourteenth Amendment to the Constitution of the United States; (or, as the case may be, my disability to hold office under the Fourteenth Amendment to the Constitution of the United States has been removed by act of Congress;) and further that I am a qualified elector in this State."

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SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The pivilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practice.

SEC. 3. Any citizen of this State, who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or commit an asault upon any person with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid and assist in any manner those offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 4. In all elections by the people, the vote shall be by ballot; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

SEC. 5. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for by this Constitution; and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State to any individual on a claim, real or pretended, where the same shall not have been provided for by pre-existing law.

SEC. 6. No money shall be drawn from the Treasury but in pursuance of specific appropriation made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriations for private or individual purposes or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both Houses of the Legislature. A regular statement and account of the receipts and expenditures of all public money shall be published annually in such manner as shall be provided by law; and in no case shall the Legislature have the power to issue "Treasury warrants," "Treasury notes," or paper of any description intended to circulate as money.

SEC. 7. Absence on business of the State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or being elected or appointed to any office, under the exceptions contained in this Constitution.

SEC. 8. The Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

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SEC. 9. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit, or trust, under this State.

SEC. 10. The Legislature shall provide for a change of venue in civil and criminal cases.

SEC. 11. It shall be the duty of the Legislature to pass such laws as may be necessary and proper, to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 12. All civil officers shall reside within the State; and all district or county officers, within their districts or counties; and shall keep their offices at such places therein as may be required by law.

SEC. 13. General laws, regulating the adoption of children, emancipation of miners, and the granting of divorces, shall be made; but no special law shall be enacted relating to particular or individual cases.

SEC. 14. The rights of married women to their separate property, real and personal, and the increase of the same, shall be protected by law; and married women, infants and insane persons, shall not be barred of their rights of property by adverse possession, or law of limitation, of less than seven years from and after the removal of each and all of their respective legal disabilities.

SEC. 15. The Legislature shall have power, and it shall be their duty, to protect by law, from forced sale, a certain portion of the property of all heads of families. The homestead of a family, not to exceed two hundred acres of land, (not included in a city, town or village,) or any city, town or village lot, or lots, not to exceed five thousand dollars in value, at the time of their destination as a homestead, and without reference to the value of any improvements thereon, shall not be subject to forced sale for debts, except they be for the purchase thereof, for the taxes assessed thereon, or for labor and materials expended thereon; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, and in such manner as may be prescribed by law.

SEC. 16. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 17. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

SEC. 18. No law shall be revised or amended by reference to its title; but, in such cases, the act revised, or section amended, shall be re-enacted and published at length.

SEC. 19. Taxation shall be equal and uniform throughout the

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State. All property in the State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession; provided, that the term occupation shall not be construed to apply to pursuits either agricultural or mechanical.

SEC. 20. The annual assessments made upon landed property shall be a lien upon the property, and interest shall run thereon upon each year's assessment.

SEC. 21. Landed property shall not be sold for the taxes due thereon, except under a decree of some court of competent jurisdiction.

SEC. 22. Provisions shall be made by the first Legislature for the condemnation and sale of all lands for taxes due thereon; and every five years thereafter of all lands the taxes upon which have not been paid to that date.

SEC. 23. It shall be the duty of the Legislature to provide by law, in all cases where State or county debt is created, adequate means for the payment of the current interest, and two per cent. as a sinking fund for the redemption of the principal; and all such laws shall be irrepealable until principal and interest are fully paid.

SEC. 24. The Legislature shall, at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties; provided, that no new county shall be established which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, unless by consent of two-thirds of the Legislature; nor shall any county be laid off of less centents. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled, by numbers, to the right of separate representation. No new county shall be laid off with less than one hundred and fifty qualified jurors, resident at the time therein; nor where the county (or counties) from which the new county is proposed to be taken, would thereby be reduced below that number of qualified jurors; and in all case where, from the want of qualified jurors, or other cause, the courts cannot be properly held in any county, it shall be the duty of the district judge to certify such fact to the Governor; and the Governor shall, by proclamation, attach such county, for judicial purposes, to that county the county seat of which is nearest the county seat of the county so to be attached.

SEC. 25. Annual pensions may be provided for the surviving veterans of the revolution which separated Texas from Mexico, and for those permanently disabled in the service of the United States

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during the late rebellion, provided they entered the service from this State.

SEC. 26. Each county in the State shall provide, in such manner as may be prescribed by law a manual labor poor-house, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants; and, under such regulations as the Legislature may direct, all persons committing petty offenses in the county may be committed to such manual labor poor-house for correction and employment.

SEC. 27. All persons who, at any time heretofore, lived together as husband and wife, and both of whom, by the law of bondage, were precluded from the rites of matrimony, and continued to live together until the death of one of the parties, shall be considered as having been legally married; and the issue of such cohabitation shall be deemed legitimate. And all such persons as may be now living together in such relation shall be considered as having been legally married; and the children, heretofore, or hereafter, born of such cohabitations shall be deemed legitimate.

SEC. 28. Justices of the peace shall assess the property in their respective precincts, under such laws as shall be provided and enacted by the Legislature; and the sheriffs of the several counties of this State shall collect the taxes so assessed.

SEC. 29. Provision shall be made, under adequate penalties, for the complete registration of all births, deaths and marriages, in every organized county of this State.

SEC. 30. Every person, corporation or company that may commit a homicide through willful act or omission, shall be responsible in exemplary damages to the surviving husband, widow, heirs of his or her body, or such of them as there may be, separately and consecutively, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 31. No minister of the gospel, or priest of any denomination whatever, who acepts a seat in the Legislature, as Representative, shall, after such acceptance, be allowed to claim exemption from military service, road duty, or serving on juries, by reason of his said profession.

SEC. 32. The inferior courts of the several counties in this State, shall have the power, upon a vote of two-thirds of the qualified voters of the respective counties,to assess, and provide for the collection of a tax upon the taxable property, to aid in the construction of internal improvements; provided, that said tax shall never exceed two per cent. upon the value of such property.

SEC. 33. The ordinance of the Convention passed on the first day of February, A. D. 1861, commonly known as the ordinance of secession, was in contravention of the Constitution and laws of the United States, and therefore, null and void from the beginning; and all laws, and parts of laws, founded upon said ordinance,

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were also null and void from the date of their passage. The Legislatures which sat in the State of Texas, from the eighteenth day of March, A. D. 1861, until the 6th day of August, A. D. 1866, had no constitutional authority to make laws binding upon the people of the State of Texas; provided, that this section shall not be construed to inhibit the authorities of this State from respecting and enforcing such rules and regulations as were prescribed by the said Legislatures, which were not in violation of the Constitution and laws of the United States, or in aid of the rebellion against the United States, or prejudicial to the citizens of this State who were loyal to the United States, and which have been actually in force or observed in Texas during the above period of time; nor to affect, prejudicially, private rights which may have grown up under such rules and regulations; nor to invalidate official acts, not in aid of the rebellion against the United States, during said period of time. The Legislature which assembled in the city of Austin on the 6th day of August, A. D. 1866, was provisional only, and its acts are to be respected only so far as they were not in violation of the Constitution and laws of the United States; or were not intended to reward those who participated in the late rebellion; or to discriminate between citizens on account of race or color; or to operate prejudicially to any class of citizens.

SEC. 34. All debts created by the so-called State of Texas, from and after the 28th day of January, 1861, and prior to the 5th day of August, 1865, were, and are null and void; and the Legislature is prohibited from making any provision for the acknowledgement or payment of such debts. All unpaid balances, whether of salary, per diem, or monthly allowance, due to employes of the State, who were in the service thereof, on the said 28th day of January, 1861, civil or military, and who gave their aid, countenance or support, to the rebellion then inaugurated against the government of the United States, or turned their arms against the said government, thereby forfeited the sums severally due to them. All the ten per cent. warrants issued for military services, and exchanged during the rebellion, at the Treasury, for non-interest warrants, are hereby declared to have been fully paid and discharged; provided, that any loyal person, or his or her heirs or legal representative, may, by proper legal proceedings, to be commenced within two years after the acceptance of this Constitution by the Congress of the United States, show proof in avoidance of any contract made, or revise or annul any decree or judgment rendered, since the said twenty-eighth day of January, 1861, when, through fraud practiced, or threats of violence used towards such persons, no adequate consideration for the contract has been received; or when, through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair nor impartial.

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SEC. 35. Within five years after the acceptance of this Constitution, the laws, civil and criminal, shall be revised, digested, arranged and published in such manner as the Legislature shall direct; and a like revision, digest, and publication shall be made every ten years thereafter.

SEC. 36. No lottery shall be authorized by this State; and the buying and selling of lottery tickets within this State is prohibited.

SEC. 37. No divorce shall be granted by the Legislature.

SEC. 38. The duration of all offices, not fixed by this Constitution, shall never exceed four years.

SEC. 39. No soldier shall, in time of peace, be quartered in the house or within the enclosure of any individual without the consent of the owner; nor in time of war, but in a manner prescribed by law.

SEC. 40. All sales of landed property, made under decrees of courts in this State shall be offered to bidders in lots of not less than ten, nor more than forty acres, except in towns or cities—including sales for taxes.

SEC. 41. All civil officers of this State shall be removable by an address of two-thirds of the members elect to each House of the Legislature, except those whose removal is otherwise provided for by this Constitution.

SEC. 42. The accounting officers of this State shall neither draw nor pay a warrant upon the treasury, in favor of any person for salary or compensation, as agent, officer, or appointee, who holds at the same time any other office or position of honor, trust or profit, under the State or the United States, except as prescribed in this Constitution.

SEC. 43. The statutes of limitation of civil suits were suspended by the so-called act of secession of the 28th of January, 1861, and shall be considered as suspended within this State, until the acceptance of this Constitution by the United States Congress.

SEC. 44. All usury laws are abolished in this State, and the Legislature is forbidden from making laws limiting the parties to contracts in the amount of interest they may agree upon for loans of money or other property; provided, this section is not intended to change the provisions of law fixing rate of interest in contracts, where the rate of interest is not specified.

SEC. 45. All the qualified voters of each county shall also be qualified jurors of such county.

SEC. 46. It shall be the duty of the Legislature, after the adoption of this Constitution, to levy a special road tax upon the taxable property of all persons in this State, and appropriate the same to the building of bridges and the improvement of public roads in the different counties in the State, under such rules and regulations as the Legislature shall provide; and no law shall be passed requiring

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the personal services of any portion of the people on public roads.

SEC. 47. Mechanics and artisans of every class, shall have a lien upon the articles manufactured or repaired by them for the value of their labor done thereon, or materials furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

SEC. 48. The Legislature may prohibit the sale of all intoxicating or spirituous liquors in the immediate vicinity of any college or seminary of learning; provided, said college or seminary be located other than at a county seat or at the State capital.

SEC. 49. The Legislature shall give effect to the foregoing general provisions, and all other provisions of this Constitution, which require Legislative action according to their spirit and intent, by appropriate acts, bills or joint resolutions.

SEC. 50. The Legislature, whenever two-thirds of each House shall deem it necessary, may propose amendments to this Constitution; which propesed amendments shall be duly published in the public prints of this State at least three months before the next general election of Representatives, for the consideration of the people; and it shall be the duty of the several returning officers at the next general election which shall be thus holden, to open a poll for and make a return to the Secretary of State of the names of all those voting for Representatives who have voted on such proposed amendments; and if thereupon it shall appear that a majority of those voting upon the propesed amendments have voted in favor of such proposed amendments, and two-thirds of each House of the next Legislature shall after such election, ratify the same amendments by yeas and nays, they shall be valid to all intents and purposes as parts of this Constitution; provided, that the said proposed amendments shall, at each of the said sessions, have been read on three several days in each House.

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DECLARATION.

SECTION 1. Be it declared, by the people of Texas, in Convention assembled, That the territory comprised within the limits of the following named counties shall compose the Congressional Districts of the State of Texas, until otherwise provided by law:

SEC. 2. The First Congressional District shall be composed of the counties of Anderson, Angelina, Cherokee, Harrison, Henderson, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity, Tyler, Hardin, Chambers, Van Zandt and Wood.

SEC. 3. The Second Congressional District shall consist of the counties of Marion, Upshur, Davis, Bowie, Titus, Red River, Lamar, Hopkins, Kaufman, Fannin, Grayson, Hunt, Collin, Dallas, Tarrant, Cooke, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Throckmorton, Wilbarger, Hardeman, Knox, Haskell, Jones, Shackelford, Stephens, Ellis, Johnson, Callahan, Eastland, Erath, Hood, and Taylor.

SEC. 4. The Third Congerssional District shall consist of the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos, Washington, Burleson, Milam, Robertson, Madison, Leon, Freestone, Limestone, Falls, McLennan, Matagorda, Wharton, Bosque, Hill, and Navarro.

SEC. 5. The Fourth Congressional District shall consist of the counties of Colorado, Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnels, Concho, McCulloch San Saba, Lampasas, Burnet, Llano, Mason, Kendall, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Gaudalupe, Bexar, Wilson, Gonzales, De Witt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Bee, Live Oak, Atascosa, Medina, Uvalde, Dawson, Zavala, Frio, Dimmitt, Lasalle, McMullin, Encinal, Duval, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick, Elpaso, and Coryell.

ELECTION DECLARATION.

Concerning the Election for Ratification or Rejection of the Constitution, and for State, District and County Officers, and Members of Congress.

1. Be it declared, by the people of Texas in Convention assembled, That the Constitution adopted by this Convention, be sub-

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mitted for ratification or rejection to the voters of this State, registered and qualified, as provided by the acts of Congress, known as the reconstruction laws, at an election commencing on the first Monday in July, 1869, and continuing for the number of days specified in the Constitution adopted by this Convention, for the holding of general elections. The vote on said Constitution shall be "For the Constitution" and "Against the Constitution." The said election shall be held at the places and under the regulations to be prescribed by the Commanding General of this Military District, and the returns made to him as directed by law.

2. An election shall be held, at the same time and place as for the ratification or rejection of the Constitution, for Senators and Representatives in the Legislature, and for all State, District and County officers who are to be elected by the people under this Constitution.

3. The said election for State, District and County officers, shall be conducted under the same regulations as the election for the ratification or rejection of the Constitution, and by the same persons. The returns of elections shall be made to the Commanding General, who shall give certificaes of election to the persons chosen for the respective offices. The officers as elected shall commence th discharge of the duties of the office for which they have been chosn, as soon as elected and qualified, in compliance with the provisions of the Constitution herewith submitted, and shall hold their respective offices for the term of years prescribed by the Consttution, beginning from the day of their election, and until their successors are elected and qualified.

4. An election for members of the United States Congress shall be held in each Congressional district as established by this Convention, at the same time and place as the election for ratification or rejection of the Constitution. Said election shall be conducted by the same persons and under the same regulations as before mentioned in this declaration. The returns shall be made to the Commanding General, who shall give the persons chosen certificates of election.

5. The members of the Legislature elected under this declaration shall assemble at the Capitol, in the city of Austin, on the 2d Monday in September, A. D. 1869.

6. The Commanding General of this Military District is requested to enforce this declaration.

ED. J. DAVIS,
President of Convention.

Attest:
WM. V. TUNSTALL,
Secretary of Convention.

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DELEGATES.	COUNTIES.
Erwin Wilson	Brazoria County.
James W. Thomas	Collin and Denton.
P. P. Adams	Henderson and Anderson
James Russell Burnett	Houston and Trinity.
Armistead T. Monroe	Houston and Trinity.
W. Frank Carter	Parker, Tarrant, etc.
William Keigwin	Leon.
B. W. Gray	Red River and Titus.
Cad. T. Duval Harn	Grimes, Walker and Madison.
J. G. Leib	Washington.
W. H. Posey	Lavaca. [Fort Bend.
A. P. McCormick	Brazoria, Matagorda, Wharton,
J. G. Bell	Austin.
T. H. Mundine	Burleson. [Sabine.
John Morse	San Augustine, Shelby, Newton,
Arvin Wright	Ellis, Tarrant, Parker, Palo Pin-
A. J. Hamilton	Travis and Caldwell. [to, etc.
J. Schutze	Bastrop and Fayette.
A. P. Kirk	Erath, Hood and Johnson.
D. W. Cole	Hopkins.
J. R. Scott	Hopkins and Lamar.
John Mackey	Travis and Caldwell.
Marsh Glenn	Anderson and Henderson.
William Phillips	San Augustine, Shelby, Sabine and Newton.
A. Buffington	Grimes, Walker and Madison.
E. C. Rogers	Fannin and Hunt.
M. L. Armstrong	Lamar.
Loring P. Harris	Upshur and Wood.
W. W. Mills	El Paso and Presidio.
Thomas Kealy	Denton.
Ed. Bellinger	Gonzales.
Lemuel Dale Evans	Titus.
William R. Fayle	Harris.
A. M. Bryant	Grayson and others.
William H. Fleming	Red River.
G. M. L. Sorelle	Hill, Navarro and Limestone.
Charles J. Stockbridge	Washington.
Stephen Curtis	Brazos.
Benjamin O. Watrous	Washington.
Mitchell Kendal	Harrison.
Wiley Johnson	Harrison.
J. McWashington	Montgomery.
Richard E. Talbot	Williamson and Burnet.
William J. Phillips	Wharton and Matagorda.
M. Priest	Cherokee and Angelina.

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GENERAL LAWS

OF

THE STATE OF TEXAS

PASSED AT THE

SESSION OF THE THIRTEENTH LEGISLATURE

BEGUN AND HELD

AT THE CITY OF AUSTIN

JANUARY 14, 1873

AUSTIN
1873

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GENERAL LAWS OF TEXAS.

CHAPTER I.

An Act making an Appropriation for mileage and per diem pay of the Members and the per diem pay of the Officers and Employes of the Thirteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of eighty thousand dollars,or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the mileage and per diem pay of members and the per diem pay of the officers and employes of the Thirteenth Legislature of the State of Texas.

Sec. 2. That the certificate of the secretary of the Senate, approved by the President thereof, or the certificate of the chief clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and [issue] his warrants upon the Treasurer for the respective amounts.

Sec. 3. That any balance of moneys remaining in the Treasury heretofore appropriated for the per diem pay of the members, officers and employes of any preceding session of the Legislature of the State of Texas, be and the same is hereby re-appropriated for the purposes specified in this act.

Sec. 4. That this act take effect from and after its passage.

Approved January 27, 1873.

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CHAPTER II.

An Act to repal an act entitled "An Act to provide for the appointment by the Governor of certain officers to fill vacancies," approved June 28, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act entitled "An act to provide for the appointment by the Governor of certain officers to fill vacancies," approved June 28, 1870, be and the same is hereby repealed.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed January 28, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of January, A. D. 1873, and was not signed by him, or returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER III.

An Act to be entitled an act to authorize the Comptroller of Public Acounts to receive from the Secretary of the Treasury of the United States, the balance remaining of the fund appropriated by the acts of September the 9th, 1850, and February the 28th, 1855, for the payment of the creditors of the late Republic of Texas.

Whereas, By the act of September the 9th, 1850, the proclamation of the President of the United States, of December the 13th, 1850, and the act of February 28th, 1855, the sum of seven millions seven hundred and fifty thousand dollars was appropriated for the valuable consideration paid by the State of Texas, to be used for the payment of the creditors of the late Republic of Texas; and

Whereas, By the acts of August the 18th, 1856, December 26th, 1856, and March the 3d, 1859 the time for the

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presentment and payment of said claims was extended to the first day of January, 1861; and

Whereas, On the first day of January, 1861, there remained a balance of said fund in the Treasury of the United States of one hundred and one thousand one hundred and thirteen dollars and twenty-seven cents due the State of Texas; and

Whereas, Since the first day of January, 1861, the total claims pres[e]nted at the Treasury for payment have not exceeded five hundred dollars; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be and he is hereby authorized and directed to receive from the Secretary of the Treasury of the United States all such balance or balances as may be remaining of the fund of seven millions seven hundred and fifty thousand dollars appropriated by the acts of September 9th, 1850, and February the 28th, 1855, for the payment of the creditors of the late Republic of Texas, and the Comptroller is also directed, with as little expense and delay as possible, to cause such fund as there may be realized to be deposited with the Treasurer of the State of Texas; provided, that the State of Texas hereby assumes the payment of such legal and valid claims as may hereafter be presented against said fund, and releases the United States from all responsibility or liability on account of said fund, or assumed responsibility to settle with the creditors of the Republic of Texas by virtue of the several acts aforesaid.

Sec. 2. That his Excellency the Governor be requested at the earliest convenient period to cause to be transmitted to the Congress of the United States, now in session, a transcript of this act, and that the same be in force from and after its passage.

Approved January 30, 1873.

CHAPTER IV.

An Act requiring the next term of the District Court of Trinity County to be held at the town of Trinity.

Whereas, The court house and all the records of Trinity county have lately been destroyed by fire; and

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Whereas, At the present county seat, Sumpter, there are no accommodations for man of beast, rendering it impossible to hold a term of said court at said town of Sumpter; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the next term of the District Court for Trinity county, to begin on the fourth Monday in February, 1873, shall be held at the town of Trinity in said county.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 13, 1873.

CHAPTER V.

An Act to provide for the Public Printing.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be elected by joint vote of the two houses of the Legislature, at its present session, and at the first regular session of each succeeding Legislature, at an early day, some suitable person or persons, or firm, to print the laws and journals of each house, which copies of the laws and journals, except the official names and titles, made out aforesaid, shall contain all the words and figures written in or on each law and resolution as the same shall appear when received into his office, and to do such other public printing as by law may be required. In case of vacancy by death, resignation, or otherwise, in the office of Public Printer during the recess of the Legislature, such vacancy may be filled by temporary appointment by the Governor, which shall continue until a successor shall be elected and qualified agreeably to the provisions of this act.

Sec. 2. There shall be printed five thousand copies of the laws of a general nature, and fifteen hundred copies of the special laws, including all acts for private relief, all acts incorporating towns and cities, all of a personal nature, and all acts incorporating private associations of every description that may be passed at each session of the Legislature, and five hundred copies of the journals of each House of the Legislature. There shall be printed,

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under the supervision of the Secretary of State, eleven hundred copies of the annual reports of the Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Superintendent and Financial Agent of the Penitentiary, Superintendent of the Lunatic Asylum, of the asylums of the Blind and Deaf and Dumb, and the report to the Governor or the Legislature, whose reports contain statistical information; three hundred copies of which shall be delivered by the Secretary of State to the two houses of the Legislature for their use, at as early a day as practicable after they are printed; three hundred copies of whch shall be delivered to the Commissioner of the General Land Office, Comptroller, and the superintendents of the several asylums, for the use of those institutions; and the remaining five hundred copies shall be stitched together by the Public Printer as an appendix to the journals of the House of Representatives, and delivered to the Secretary of State; provided, that this requirement shall not apply to the printing of the present Legislature. There shall be printed such number of copies of the messages of the Governor and other documents as the Legislature or either house may order; provided, however, that when the Governor's messages are printed, five hundred copies thereof shall be reserved by the printer aforesaid, which shall be attached to said appendix. Other matter than that enumerated may be attached to said appendix as the Legislature may order. The laws and journals, and all reports and documents shall be printed on Small Pica type, to be forty-four lines long, exclusive of the folio, and twenty-seven ems wide, without side notes. The paper shall be white, and of uniform color, and of a quality equal to the best upon which the laws of any session of the Legislature have, at any time hertofore, been printed; and all of said laws and journals, reports and other documents, shall be neatly folded, stitched and trimmed.

Sec. 3. The person or persons, or firm, who may be elected at the present or any other session of the Legislature, shall, within ten days after he or they shall be elected, enter into bond, with two or more good sureties, in the sum of ten thousand dollars, payable to the State of Texas, conditioned that he or they will faithfully perform the duties incumbent on him or them, as Public

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Printer or Printers for the State of Texas, which bond shall be approved by the Governor and filed in the office of the Secretary of State. On breach of said bond, the same may be put in suit upon the order of the Governor, which suit may be brought in the county in which the seat of government may be located; and said bond shall not become void on the first recovery, but suit may be maintained thereon until the whole amount thereof be recovered.

Sec. 4. The secretary of the Senate and chief clerk of the House of Representatives shall cause the journals of their respective houses to be furnished to the Public Printer, from day to day, after they shall have been adopted, for the purpose of being printed; and when printed, the manuscript journals shall be returned and filed with the archives of the Legislature; and the said secretary and chief clerk, respectively, shall furnish to the said Public Printer a comprehensive index of the same, which shall be printed at the end of the respective journals, and charged at like rates.

Sec. 5. It shall be the duty of the Secretary of State to cause copies of all laws and resolutions to be furnished to the Public Printer as early as possible after they, severally, shall have been approved or passed. He shall also furnish to said Public Printer a comprehensive index of the said laws, which shall be printed in like type and style to the index of the general laws of the Ninth Legislature.

Sec. 6. The whole number of laws and journals, reports of public officers and institutions, and other public documents, authorized to be printed, shall be delivered at the office of the Secretary of State, except such printing as may be ordered by the two houses of the Legislature, or either of them, for their use, which shall be delivered to such person as they, or either of them, may direct; provided, the same is delivered during the session of the Legislature.

Sec. 7. The laws and journals shall be delivered within sixty days after the last copy shall have been furnished to the Public Printer; the reports of public officers, institutions, and other documents, shall be required to be delivered to the Governor, by the respective officers making the same, in sufficient time to be furnished to the Public Printer one month before the meeting of the Leg-

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islature; and if so furnished to said printer, shall be delivered by him to the Secretary of State within the first week of said session; and if furnished less than one month before the meeting of the Legislature, or after, the same shall be delivered by said Public Printer to the Secretary of State within one month after they are so furnished. The Secretary of State shall certify that the laws thus published are true copies of the originals in his office, and also certify the date upon which the Legislature adjourned, which shall be appended to, and printed at, the end of each volume. He shall also superintend the printing of the same, and shall read and correct the proof; provided, however, that this act shall not dispense with the duty of the Public Printer of furnishing some competent person, or persons, also to read and correct the proof; and provided further, that should the said laws be printed at any point away from the seat of government, the actual expenses of the Secretary of State, while supervising the publication of the same, shall be paid out of the appropriation for printing.

Sec. 8. The rates of the public printing provided for in this act shall be as follows, until changed by law, viz.: For printing the laws of a general nature, including the index, one-fifth of a cent per page. For printing the special laws, including the index, one-third of a cent per page.

For printing five hundred copies of the journals of each House, one-third of a cent per page, and for printing any number over this amount which may be ordered, one-fourth of a cent per page.

For printing five hundred copies of the Governor's message, reports, or other documents provided by law, or ordered by the Legislature, or either house thereof, one-third of a cent per page, and for any number of additional copies of the same, one-fourth of a cent per page.

For printing two hundred copies of bills, resolutions, or memorials, printed on Pica type, the lines numbered on the margin, with space between the lines of the size of Pica, on foolscap paper, to be twenty ems wide and sixty-five in length, with four pages to a sheet, the sum of three dollars and fifty cents per page for the number of pages in one copy thereof.

For printing executive proclamations, advertisements, and like documents, seventy-five cents per square of

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ten lines for the first session, and thirty-seven and one-half cents per square for each subsequent insertion that may be ordered; and such publications shall not be inserted in any larger type than Bourgeois, and each shall contain not less than two hundred ems; provided, that fractional parts of a square may be charged at like rates.

Sec. 9. When proclamations, advertisements, and like printing are authorized, or required by law to be executed, for the Executive or other departments of the government, in more newspapers than one, they shall be printed under like rules, and the same price shall be allowed and paid, as is established in this act for the Public Printer; provided, that proclamations for elections, amendments to the Constitution, and the like printing, shall not be printed in more than two newspapers in each congressional district, and shall not be inserted for a longer period than three months.

Sec. 10. The Secretary of State, the Comptroller and Treasurer are hereby constituted a board for the examination and approval of the accounts of the Public Printer for all work not otherwise provided for in this act; and the printing committees of the respective houses of the Legislature, as to all work ordered by said houses, shall certify to the Comptroller of Public Accounts the quantity of each item of printing they may have so ordered, and shall also certify the number of copies of the same they may have received, and the Comptroller shall thereupon authorize the payment of the account for said printing in accordance with the laws in force governing the price thereof.

Sec. 11. Rule and figure work may be paid for at double the price per page of other printing; provided, however, only the actual number of lines printed shall be counted in making the estimate of the number of pages of such work. There shall be printed by the parties contracted with, for the use of the Comptroller, Land Office, Supreme Court, and such other departments as may require them, all blanks, certificates, and such other miscellaneous printing as may be required, which is not provided for in this act, and such printing shall be paid for at such rates as is usually charged for such work when done for individuals; and it shall be the duty of the Comptroller, Secretary of State and Treasurer, to examine

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all accounts for printing done under the provisions of this section, and to allow only such rates as are equitable and just.

Sec. 12. The prices in this act named shall be paid in United States currency.

Sec. 13. That at any time after an election of a Public Printer as herein provided, the Legislature reserves the right to alter or amend, by enactment, the rates to be paid for such printing.

Sec. 14. That the printing already done for either house of the present session of the Legislature, shall be paid for at the rates provided for in this act, or at the rates contracted for, if done under contract.

Sec. 15. That all laws and parts of law controvening the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved February 17, 1873.

CHAPTER VI.

An Act to amend section seven (7) of an act entitled "An Act prescribing the times of holding the District Courts in the several Judicial Districts in the State, approved August 10, 1870."

Section 1. Be it enacted by the Legislature of the State of Texas, That section seven (7) of the above recited act be so amended as hereafter to read as follows: Sec. 7. That the District Courts of the Sixth Judicial District shall be holden at the times hereinafter specified, to-wit: In the county of Harrison on the first Mondays in November, March and July, and may continue in session eight weeks; in the county of Rusk on the first Mondays in January, May and September, and may continue in session five weeks.

Sec. 2. That all process that has, or may be issued, returnable to the District Courts of Harrison and Rusk counties, previous to the first terms of said courts, held under the provisions of this act, shall be deemed and held retur[n]able to said terms.

Sec. 3. That all laws in conflict with this act be and the same are hereby repealed, and that this act take effect from and after its passage.

Approved February 17, 1873.

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CHAPTER VII.

An Act to Create the County of Rockwall.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory comprised in the following limits, to-wit: Beginning at the northeast corner of Dallas county; thence east along the south boundary line of Collin county to the southeast corner of same; thence south along the west boundary line of Hunt county to the southwest corner of said Hunt county; thence continuing south (2) two miles to a stake; thence west to the east boundary line of Dallas county; thence north along the east boundary line of Dallas county to the place of beginning, be and the same is hereby created a new county, to be called the "county of Rockwall."

Sec. 2. That John S. Griffith, Charles L. Jones, John D. Parsons, Riley Boydston and Jno. O. Heath, are hereby appointed commissioners to divide said county of Rockwall into five justices' precincts, and shall, immediately thereafter, order an election, as hereinafter provided.

Sec. 3. That the town of Rockwall shall be the county site, or site of justice, of said county of Rockwall.

Sec. 4. That said commissioners, a majority of whom shall constitute a quorum for the transaction of business, shall, within sixty days from and after the passage of this act, order an election for such officers as are now elective under the Constitution of this State, giving twenty days notice of said election, by posting notices of said election in three public places in said county of Rockwall; and said election shall be held at said town of Rockwall, in said county, and shall, in all respects, be conducted in accordance with the laws controlling elections in this State.

Sec. 5. That said commissioners shall give certificates of election to the persons elected, and shall make returns of said election to the Secretary of State, within twenty days thereafter.

Sec. 6. That the persons so elected, upon receiving their commissions from the Governor, and the approval of their bonds by the commissioners aforesaid, shall enter upon the discharge of the duties of their respective offices.

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Sec. 7. That after the commissioners aforesaid shall have divided the county into five justices' precincts, held the election for officers as hereinbefore provided, issued certificates of said election, and made returns of said election to the Secretary of State, have administered the oath of office to the persons elected, and approved their bonds, their duties, powers and responsibilities shall cease.

Sec. 8. Be it further enacted, That until otherwise provided by law, the county of Rockwall, for judicial jurposes, shall be attached to the Tenth Judicial District, and for purposes of representation, to the Twentieth Senatorial District.

Sec. 9. Be it further enacted, That this act shall take effect and shall be in force from and after its passage.

Approved March 1, 1873.

CHAPTER VIII.

An Act to Expedite the Decision of Criminal Cases by the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That all appeals to the Supreme Court in cases of felony may be heard and determined by the Supreme Court, without regard to their position on the docket.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved March 4, 1873.

CHAPTER IX.

An Act to amend "An Act prescribing the times of holding the District Courts in the several Judicial Districts in the State," approved August 10, 1870, approved October 13, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be and the same is hereby amended so as to read as follows: That section twenty-five of an act entitled "An

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act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, be and the same is hereby amended so as to read as follows:

Sec. 25. That the district courts of the Twenty-fourth Judicial District shall be holden at the times hereinafter specified, to-wit: In the county of Maverick on the first Mondays in April, August and December, and may continue in session two weeks. In the county of Kinney on the third Mondays in April, August and December, and may continue in session two weeks. In the county of Uvalde on the first Mondays in May, September and January, and may continue in session two weeks. In the county of Bandera on the third Mondays in May, September and January, and may continue in session two weeks. In the county of Medina on the first Mondays in June, October and February, and may continue in session two weeks. In the county of Frio on the third Mondays in June, October and February, and may continue in session two weeks. In the county of Atascosa on the first Mondays in July, November and March, and may continue in session until the business is disposed of; provided, there shall be no term of said court in said county of Atascosa in the month of March, A. D. 1873. That for judicial purposes the unorganized county of Dimmit shall be attached to the county of Maverick, and the county [of] Zavala to the county of Frio.

Sec. 2. That all writs and process that before the passage of this act shall have been issued by or from said District Court, in said district, or that may be hereafter issued, shall be returnable to the terms of court, as is prescribed in the foregoing section; and that this act take effect and be in force from and after its passage.

Approved March 4, 1873.

CHAPTER X.

An Act making an Appropriation to defray the Contingent Expenses of the First Session of the Thirteenth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty thousand dollars,

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or as much thereof as may be necessary, be and the same is hereby appropriated out of any funds in the treasury not otherwise appropriated, to defray the contingent expenses of the Thirteenth Legislature, and that the certificates of the secretary of the Senate and the chief clerk of the House of Representatives to the correctness of, and the approval of the chairmen of Contingent Expenses Committees of the Senate and House to, the respective accounts against the two houses, shall be sufficient authority for the Comptroller to draw his warrants upon the Treasurer for the several amounts charged against said fund.

Sec. 2. That this act shall take effect from and after its passage.

Passed March 5, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the sixth day of March, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XI.

An Act directing the Publication of the Expenditures, Assets and Indebtedness of the several Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of the several counties shall make regularly, and quarterly, tabular statements of the expenditures, assets and indebtedness, of their respective counties, specifying names of creditors, and items of indebtedness, with their respecitve dates of accrual, and also the names of persons to whom moneys may have been paid; and shall cause said statements to be published on the first day of July and the thirty-first day of December of each year; that on the first day of July shall be made by posting up at the door of the court house of the county, a copy of said statement, for two months; and that on the thirty-first day of December, once in the newspaper published in the county having the

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largest circulation in the same; and should there be no newspaper published in the county, then four copies of said statement shall be posted at four different public places in the county, and also one other copy shall be posted at the court house door one month.

Sec. 2. If any court shall willfully fail, refuse, or neglect to make said statement, or shall willfully fail, refuse and neglect to publish or post the same, as the case may be, as herein provided, the members of the court so failing, or refusing, or neglecting to make said statement, or to publish or post the same, as the case may be, shall be subject to indictment by the grand jury of their county, and on conviction, shall each be fined not less than twenty-five nor more than one hundred dollars.

Sec. 3. It shall be the duty of the county treasurer of the several counties to furnish their county courts, upon demand, tabular statements of the amount of moneys by them received, and also the amount on hand, and also the amount paid out; and also to whom, and upon what account: which statement shall contain an account current of all receipts and disbursements (noting the kind of each, whether money or other thing), of each respective fund which by law he is required to keep; and any county treasurer failing or refusing, or neglecting to furnish his County Court with such a statement, shall be subject to indictment by the grand jury of his county, and on conviction, shall be fined in a sum not less than one hundred nor more than five hundred dollars.

Sec. 4. This act shall take effect from and after the date of its passage.

Approved March 8, 1873.

CHAPTER XII.

An Act to establish the County Seat of Kinney County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the town of Brackettsville, in the county of Kinney, be and the same is hereby established as the county seat of said county of Kinney, subject to the provisions of law in regard to changing county seats by the voters of said county.

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Sec. 2. That all official acts done and performed by any and all officers of the State of Texas, and of said county, judicial and ministerial, which are proper to be done at the county seats of the counties in the State, be and the same are hereby made lawful, valid, and [of] binding force, whenever the same have been done in pursuance of law at said town of Brackettsville, since the organization of said county of Kinney.

Sec. 3. That this act take effect from and after its passage.

Approved March 8, 1873.

CHAPTER XIII.

An Act to set apart one-half of the Public Domain for the Support and Maintenance of Public Schools.

Section 1. Be it enacted by the Legislature of the State of Texas, That one-half of the public domain of the State of Texas, or so much thereof as can be, is set apart and appropriated for the support and maintenance of public schools of this State, in the following manner, to-wit: That all land certificates heretofore issued, as well as those hereafter issued, to any railroad company, or other corporation of any nature whatever, for internal improvements or any other object; or any lands hereafter granted in any manner to any of said companies or corporations for any such object, shall be located and surveyed in alternate sections of six hundred and forty (640) acres each, and as directed by an act entitled "An act to encourage the construction of railroads in Texas by donation of lands," approved January 30, 1854, and other laws amendatory of or supplementary thereto; and the even numbers of sections and fractional sections thus located and surveyed, shall be, so soon as surveyed and designated in the manner prescribed by said laws, held and considered for all purposes to be set apart and appropriated for the support and maintenance of public schools of the State, and shall constitute a part of the "public school fund;" and that the alternate sections and fractional sections reserved, set apart and appropriated as aforesaid, shall not be subject to location, settlement or

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survey of any homestead, pre-emption, or other claim whatever; provided, that owners of valid headright certificates, bounty land warrants, or other valid claims, shall not be required to locate and survey them in alternate sections as here prescribed; but in all cases they shall respect and not interfere with the alternate sections of land set apart and appropriated as aforesaid.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved March 18, 1873.

CHAPTER XIV.

An Act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the first and eighth sections, of an act entitled "An Act to provide for the Enrollment of the Militia, the Organization and Discipline of the State Guards, and for the Public Defense," approved June 24, 1870; and to repeal the first section of "An Act to amend an act to provide for the Enrollment of the Militia, the Organization and Discipline of the State Guards, and for Public Defense," approved June 24, 1870, approved April 12, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections three (3), twenty-six (26), and twenty-seven (27), of an act entitled "An act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense," approved June 24 ,1870, be and the same is hereby repealed.

Sec. 2. That section one (1) of an act to amend an act entitled "An act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense," approved June 24, 1870, approved April 12, 1871, be and the same is hereby repealed.

Sec. 3. That section first (1) of "An act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense," approved June 24, 1870, and to repeal the first (1) section of "An act to amend an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense," approved June 24, 1870, approved April 12, 1871, be so amended

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as to read as follows: That judges of the Supreme Court, district courts, Secretary of State, Auditor, Treasurer, and Comptroller of the State, clerks of the Supreme and district courts, justices of the peace, postmasters who have care of the mails of the United States, post riders, public millers, ferrymen on public roads, teachers and professors in academies, managers and telegraph operators, shall be exempt from military duty, except in case of imminent danger, insurrection or invasion.

Sec. 4. That section eight (8) of "An act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense," approved June 24, 1870, be so amended as to hereafter read as follows: "When in actual service, or in time of war or public danger, officers and soldiers shall be governed, as far as practicable, by the same rules and regulations as the armies of the United States; provided, that no person in the militia shall, in time of peace, be liable to greater punishment, by sentence of court martial, than one month's imprisonment, or fine not to exceed one hundred dollars. During war or public danger, the laws may be suspended, by act of the Legislature, or its authority.

Sec. 5. Be it further enacted, That all sections, parts of sections or provisions of the above recited acts, which relate to the organization of the State Guards, be and the same are hereby repealed; provided, however, that the militia of the State, as organized in conformity with the said acts and the acts of Congress relating thereto, shall remain unaffected by this repeal, only that the "reserve militia" shall be known and designated as the militia of the State; provided, further, that companies of troops that have organized themselves in connection with the State Guards, on the frontier for defensive purposes, or in the interior for the purpose of drill and discipline, as uniformed companies, may continue their organization as part of the militia of the State.

Sec. 6. Be it further enacted, That this act take effect and be in force from and after its passage.

Passed March 18, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the nineteenth day of March, A. D. 1873, and was not signed by him, or re-

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turned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XV.

An Act making appropriation to defray the expense of distributing blank forms from the Comptroller's office for the assessment of taxes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying postage and other expenses necessary in the distribution of blanks from the Comptroller's office for the assessment and collection of the taxes for the year 1873.

Sec. 2. That this act be in force from and after its passage.

Passed March 20, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-fourth day of March, A. D. 1873, and was not signed by him, or returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XVI.

An Act making an appropriation for the per diem pay of the Members, and the per diem pay of the Officers and Employes of the Thirteenth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred thousand dollars, or so much thereof as may be necessary, be and

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the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the per diem pay of members, and the per diem pay of officers and employees of the Thirteenth Legislature of the State of Texas.

Sec. 2. That the certificate of the secretary of the Senate, approved by the President thereof, or the certificate of the clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and draw his warrants upon the Treasurer for the respective amounts; and that this act shall take effect from its passage.

Approved March 24, 1873.

CHAPTER XVII.

An Act to authorize and require Sheriffs and Constables to serve process issued by either house of the Legislature or by any Committee thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That all sheriffs and constables in this State be and they are hereby required to execute all subpoenas and other process issued by the Speaker of the House of Representatives, or the President of the Senate, or chairman of a committee of either house.

Sec. 2. Be it further enacted, That said sheriffs and constables shall incur the same pains and penalties, and be liable to prosecution as in other cases for their failure to promptly execute and return such process.

Sec. 3. That the sheriffs and constables who may render service under this act shall be entitled to the same fees that they would be entitled to for like services rendered in the district or justice courts of this State; and the amount due them, certified to by the Speaker of the House, President of the Senate, or chairman of committee, who may issue the process under which the service may be rendered, shall be allowed by the Comptroller, and a warrant shall issue for the same, to be paid out of any money not otherwise appropriated.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1873.

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CHAPTER XVIII.

An Act authorizing the Commissioner of the General Land Office to employ additional Draftsmen and Clerks.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and is hereby, authorized to employ five (5) additional draftsmen, with salaries not exceeding $1600 per annum, and ten (10) additional assistant clerks, with salaries not exceeding $1500 per annum. That said Commissioner shall discharge said clerks and draftsmen whenever he may think their services not any longer needed in said office.

Sec. 2. That this act be in force from and after its passage.

Approved March 28, 1873.

CHAPTER XIX.

An Act Regulating Elections.

Section 1. Be it enacted by the Legislature of the State of Texas, That each precint of the justices of the peace of the [of the][1] counties of this State, as now established, shall constitute an election precinct, but that the County Court of each county, at its first regular meeting after the passage of this act, or as soon thereafter as convenient, either at a regular or called term, and thereafter at their first regular term in each year, if they deem it necessary, may divide their respective justices' precincts into as many election precincts as they shall deem expedient, which shall all be numbered, including those now given the precincts of justices of the peace, but that no election precinct shall be formed out of any two or more justices' precincts, and shall designate one place in each of such election precincts, at which elections shall be held; and they shall at the same time, and at their first regular or called term in each year, select and appoint, from among the residents of each election precinct, some suitable person to be the presiding officer of such pre-

[1]Note Repetition in enrolled bill.

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cinct; provided, that in the cities of Galveston, Houston, San Antonio, Austin, Waco, and any other incorporated city of this State, each ward of said cities, if situated entirely within the limits of any one justice's precinct, shall constitute an election precinct, and the County Courts of the counties in which said cities are situated shall, as above provided, select and appoint some competent person from among the residents of such precincts a presiding officer thereof, and that such presiding officer shall have all the powers and authority, and shall discharge all the duties of other presiding officers of election; and said County Courts shall, as above provided, designate one place in each of said precincts, at which elections shall be held.

Sec. 2. The presiding justices of the several counties, and in case of vacancy in that office, or any inability, failure or refusal of the presiding justice to act, then any two of the justices of the peace of the county, shall order all elections for county and precinct officers in their respective counties.

Sec. 3. The Governor shall, by proclamation, order all elections for State and district officers, members of Congress, members of the Legislature, and all other elections required to be ordered by him by the Constitution or laws of the State.

Sec. 4. When any election is ordered, at least twenty days' notice of the election shall be given by notice posted up at the place designated for holding the election in each election precinct, specifying the time and place at which such election is to be held, and the officer or officers to be chosen; and it is hereby made the duty of the presiding justice of each county to have posted, as required in this act, all election notices.

Sec. 5. In all cases of vacancy in any civil office of the county, district or State, by death, resignation, or otherwise, which by law is filled by election of the people, the officer or officers authorized by this act to order elections, shall immediately make such order for an election, fixing the day, not exceeding thirty days off, to fill the unexpired term made vacant, and cause like notice to be given, and issue writs as prescribed for regulating elections.

Sec. 6. Forms for notices, writs, and returns of elections, shall be furnished by the Secretary of State to the presiding justice of each county.

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Sec. 7. It shall be the duty of the presiding justice of each county, or in case of vacancy in his office, or any inability of the presiding justice to act, then any two of the justices of the peace, to issue writs of election to the several presiding officers of election, in which writs shall be stated particularly the officer or officers to be chosen, and the day of election, and a copy of the form of election returns furnished by the Secretary of State shall accompany such writs.

Sec. 8. The presiding officer of each election precinct shall, on or before the day of election, select two judges and two clerks, from the different political parties, if demanded, so far as practicable, and there be present a sufficient number of the party making the demand, and willing to serve, who, together with the presiding officer, shall be the managers of election; and the presiding officer shall administer to each of them an oath, that they will each well and truly conduct the election, without partiality or prejudice, and agreeably to law, according to the best of their skill and understanding; and one of the judges of election shall, before opening the polls, administer to the presiding officer an oath that he will faithfully and impartially discharge the duties of presiding officer of election, to the best of his skill and understanding.

Sec. 9. In case the presiding officer should fail to attend on the day of election, or refuse or fail to act, or in case no manager has been appointed, it shall be lawful for the electors present at the precint voting place on that day to appoint, from among the electors of the precinct, a presiding officer to act as such at that election; and the person so appointed shall be authorized to act as presiding officer as fully as the presiding officer hereinbefore provided for could do, if such presiding officer was present and acting; and in making their return of the election they shall certify that the presiding officer was appointed from the electors present at the precint voting place on that day, because the regular presiding officer failed to attend, or refused to act, as the case may be.

Sec. 10. That all presiding officers, judges, and clerks of election, are hereby authorized to administer all oaths necessary or proper in the discharge of their duties as such, and to administer all oaths connected in any way with the holding of elections.

Sec. 11. Electors, in all cases, shall be privileged from

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arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

Sec. 12. That all the elections in this State shall be held for one day only at each election, and the polls shall be open on that day from eight o'clock A. M. to six o'clock P. M.

Sec. 13. That each of the clerks shall write and number the name of each voter at the time of voting; and in case the voter shall not be entitled to vote for all the officers that the election is held for at that precinct, the clerks shall write opposite to his name the officer or officers for whom he is entitled to vote, and also on his ballot, for the purpose of knowing what officers to count his vote for, and afterwards purging the polls, in case the election shall be contested; and one of the judges, in every case at the time of receiving the ticket or ballot, shall write upon it the voter's number, corresponding with the number on the clerks's list; and no manager, or other officer of election, shall unfold or examine the vote received, nor shall he examine the indorsement on the tickets, by comparing it with the clerk's list of voters, when the votes are counted out, nor shall they examine, or permit to be examined by any other person, the tickets, subsequent to their being received into the ballot box, except as hereinafter provided; and any presiding officer, judge or clerk of election, who shall violate any of the provisions of this section, upon conviction thereof, shall be deemed guilty of a felony, and shall be punished by imprisonment in the penitentiary not less than one nor more than two years.

Sec. 14. When any person shall offer to vote in the precinct where he resides, one of the judges of election shall examine the registration list furnished the presiding officer by the clerk of the District Court, as provided by law, and if the name of the person offering to vote shall be found upon said list, shall call the name of the voter aloud, and mark on said list, opposite his name, the letter "V," and the other judge shall receive from the hands of the voter the ticket, and number the same as provided by this act, and shall deposit the same in the ballot box in the presence of the voter himself. And when any person shall offer to vote out of the county of his residence, and in any district election,

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where the district is composed of two or more counties, in one of which he is a registered voter, or where he desires to vote for State officers only, he shall be permitted to vote; provided, he delivers to the judges of the election a certificate from the clerk of the District Court of his county, under his hand and seal of office, that he is a duly registered voter in such county, and entitled to vote at that election, and will make oath that he happened in the county where he offers to vote, but is not absent from his own county for the purpose of voting elsewhere, and that he has not voted, and will not vote elsewhere in that election, which oath, reduced to writing, he will sign and swear to before one of the judges of the election, which, with said certificate, will be deposited with the clerk of the District Court of the county, wherein he voted, for safe keeping, and for the inspection of all persons.

Sec. 15. No ticket, not numbered as provided in this act, shall be counted or noticed in counting out the votes, nor shall either of two or more tickets folded together. That immediately after the counting of the votes by the managers of election, the presiding officer thereof shall place all the tickets or ballots voted into a wooden or metal box, of sufficient size to contain them, and to securely fasten the same with nails, screws or locks; and he shall, within five days after the election, deliver said box to the district clerk, whose duty it shall be to keep the same securely, and, in the event of any contest growing out of the election within one year thereafter, he shall deliver said box to any competent officer having a writ or subpoena therefor from any tribunal or authority authorized to issue such process; and in the event that no contest grows out of said election within one year after the election, then the said clerk shall destroy the said tickets or ballots by burning the same. The violation of any of the provisions of this section shall be deemed a misdemeanor, and any person convicted thereof shall be punished by fine not less than fifty nor more than five hundred dollars, and by imprisonment in the county jail not to exceed six months. Any presiding officer, judge or clerk of an election, who shall divulge how any person shall have voted at any election, from an inspection of the tickets, unless in a judicial investigation, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than fifty nor more than five hundred dollars.

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Sec. 16. That any person, being a registered voter in the county of his residence, and wishing to vote out of the precinct in which he is registered, may do so on delivering to the presiding judge of the election, a certificate of the clerk of the District Court of the county, with his seal of office impressed thereon, that the applicant is a registered voter of the county, and the applicant making oath, before the presiding judge, that he is the identical person named in the certificate, and that he has not and will not vote elsewhere in that election; for which certificate the district clerk shall be entitled to a fee of twenty-five cents from the receiver thereof. And any person who shall vote on any such certificate, not issued to him, by using a certificate issued to another, shall be deemed guilty of a felony, and, on conviction, shall be imprisoned in the penitentiary not less than one nor more than five years.

Sec. 17. Immediately after closing the polls, the managers of election shall proceed to count the votes in the presence of two registered voters of their county, of good repute, and also of different politics, if convenient to get, and shall continue such count, without interruption, until all the ballots voted at such election are counted, and make out a correct return, signed by the managers, which shall be sealed up and delivered to the presiding justice of the county (or, in case of his absence, to the clerk of the District Court, who shall file the same in his office, and deliver the said return to the presiding justice, on the day appointed to open and compare the polls,) by the presiding officer, or one of the managers of the election, a duplicate of which return shall be kept by the presiding officer of the election.

Sec. 18. The election returns shall not be opened by the officer to whom they are returned before return day, which shall be ten days after the election, Sundays excluded; at the expiration of that time he shall open them and estimate the result, recording the state of the polls of each precinct, in a book to be kept by him for that purpose; and, after making such estimate, he shall deliver to the candidate or candidates for whom the greatest number of votes have been polled for county and precinct officers, a certificate of election, naming therein the office to which he has been elected, the number of votes polled for him, and the day on which the election was held, and

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shall sign the same, and cause the seal of the County Court to be thereon impressed, and shall, also, at the same time, make an estimate of the votes polled for members of the Legislature, and shall, if his county constitute a senatorial or representative district, give a like certificate of election to the person or persons receiving the highest number of votes for Representative or Senator.

Sec. 19. When an election shall have been held for members of the Legislature, in a district composed of more counties than one, the presiding justice, or other officer to whom the returns in each county are made, who is not authorized to give certificates of election to such members of the Legislature, shall make out and send complete returns of such election for members of the Legislature in their respective counties, immediately after examining and recording the same, to the presiding justice of the county who may be so authorized, which returns shall be sealed up, and the name of the officer forwarding them written across the seal, and the package marked on the in[out]side[1] "Election returns," which package may be sent by mail. The presiding justice to whom the returns are so farwarded shall, upon the twentieth day after the election, which shall be the return day for such election, open and examine such returns, and, after estimating the result and recording the same, give a certificate of election to the person or persons receiving the highest number of votes for Representatives or Senator in that district.

Sec. 20. In elections for district attorneys the votes shall be counted, and returns made to the returning officer of the district, as is provided for members of the Legislature, whose districts are composed of more counties than one, and like certificates of election given.

Sec. 21. In all elections of Comptroller of Public Accounts, Treasurer of the State, Commissioner of the General Land Office, and Superintendent of Public Instruction, and for Representatives in the Congress of the United States, the presiding justice, or other officer to whom the returns in each county are made, shall, on the tenth day after the election, and not before, make out duplicate returns one of which shall be transmitted by such officer to the seat of government, directed to the Secretary of State, and endorsed "Election returns of.....county, for.....;" the other shall be deposited in the office of

[1]Note.—Mistake in enrolled bill.

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the district clerk; and on the fortieth day after the election, and not before, the Secretary of State, in the presence of the Governor and Attorney General, or in case of vacancy or inability of either of those officers to act, then any two of said officers, shall open and count the returns. And the Governor shall immediately make out, sign and deliver, a certificate of election, with the seal of the State thereto affixed, to the person or persons who shall have received the highest number of votes for each or any of said offices. The presiding justices of the several counties of the State shall promptly make duplicate returns of the election for Governor and Lieutenant Governor, carefully sealed up; one of which shall be transmitted to the seat of government, and directed to the Speaker of the House of Representatives, endorsed "Election returns of.....county, for.....;" and the other shall be deposited in the office of the clerk of the District Court. The transmitted returns, directed to the care of the Secretary of State, shall be taken charge of by him, and preserved in his office, the package and seal thereon to remain unbroken until the organization of the next Legislature, when he shall, on the first day thereof, deliver the said returns to the Speaker of the House of Representatives.

Sec. 22. That the judges of the election, while in the discharge of their duties, shall have the power of a district judge to preserve order and keep the peace. They may appoint special constables to act during the election, and they, or either of them, may issue writs of arrest for felony or breach of the peace, to the sheriff or constable, who shall forthwith execute such writ, and may commit the party arrested to jail during the election, if so ordered by the judges of election; but he shall first be permitted to vote, if entitled to do so; and as soon as practicable, after the close of the polls, he shall be taken before the proper magistrate for examination, as the law directs in such cases.

Sec. 23. If any judge of an election shall knowingly receive or deposit a ballot of a person in the box, whose name does not appear on the lists of registered voters furnished them, or shall willfully refuse the ballot of any person whose name appears on the list, unless authorized by this act, he shall be deemed guilty of an offense, for which he shall be fined not less than fifty nor more than one hundred dollars.

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Sec. 24. That any person offering to vote, may be required by the judges to make oath in writing, and to sign and swear to the same, that he is the identical person claimed to be registered, and that he has not voted at any other poll or voting place, or that he has not voted elsewhere at that election; and the Secretary of State shall be required to furnish to the presiding judge of election, in each voting precinct in this State, a sufficient number of blanks, which shall be in form as follows: "I (A. B.), do solemnly swear that I am the identical person claimed to be registered, and that I have not voted at any other poll or voting place, and that I have not voted elsewhere at this election;" and the judge of election shall be required to furnish each person, who is required to make oath, as herein provided, with one of said blanks, and to administer the oath.

Sec. 25. That all the names of the persons voted for by each voter, shall be written or printed on one ticket, and, together with the office for which they are voted, shall be specified; and should two or more tickets be folded together, they shall be rejected, and not counted.

Sec. 26. That all persons living in any unorganized county shall be entitled to register and vote in any precinct in the county to which it is attached for judicial purposes, for any officer for whom he may be entitled to vote.

Sec. 27. That during the entire day of any election in this State for municipal, county, district, or State officers, it shall be unlawful for any bar room, saloon, or other place, house or establishment, where vinous, malt, spirituous or intoxicating liquors are sold, to be open, but the same shall be closed by any sheriff or constable of the county, or by any constable whose special appointment is provided for by this act, on the order of the judges of election; and it shall be unlawful for any person, or persons, or firm, to sell, barter or give away any vinous, spirituous, malt or intoxicating liquor within the limits of the county within which such election is being held during the day thereof. And any person violating any provision of this section shall, for each offense, be guilty of a misdemeanor and subject to indictment, and may be fined in any sum not less than one hundred dollars nor more than five hundred dollars for each offense; provided, nothing herein contained shall prevent the sale of liquor at any drug

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store, or establishment where drugs are sold, for medicinal purposes, on the prescription of a practicing physician, nor to the sale of liquor by regular wholesale merchants to be shipped or sent out of the county; and provided further, that nothing herein contained shall prevent stores from being opened for the sale of other goods, wares, and merchandise.

Sec. 28. That the Governor shall commission all officers elect, except members of Congress, members of the Legislature and the Governor.

Sec. 29. That in all elections hereafter, if there should be an equal number of votes given to two or more persons for the same office and no one elected thereto, the election of such office shall again be returned to the people, and an election be ordered, notices given, and another election held in the same manner as in the general election.

Sec. 30. That in all city or town elections, where not otherwise provided for by the charter of said city or town, the mayor thereof, or in the event he fails or refuses to act, then any two of the aldermen, shall order elections, give notices, appoint presiding officers, who shall hold the election and make returns to the mayor, under the same regulations and with like effect as in county elections, so far as applicable. And elections held in parts of the county not confined to justice's precinct, the presiding justice of the county shall act for that, the same as in elections for county officers.

Sec. 31. That any person who shall vote, or attempt to vote, more than once at the same election, shall be deemed guilty of a felony, and, on conviction, shall be confined in the penitentiary not less than two nor more than five years. Any person who shall disturb any election by inciting or encouraging a tumult or mob, or shall cause any disturbance in the vicinity of any poll or voting place; or any person who shall willfully aid, or abet, or advise any one not legally qualified in voting, or attempting to vote at any election; or any person or persons who shall, by force or intimidation, obstruct, or attempt to obstruct, or influence any voter in his free exercise of the elective franchise; or any person who may carry any gun, pistol, bowie knife, or other dangerous weapon, concealed or unconcealed, on any day of election, during the hours the polls are open, within the distance of one-half mile of any poll or place of voting, shall be deemed guilty of an

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offense, and, on conviction thereof, shall, for every such violation, be fined not less than one hundred nor more than five hundred dollars, and may, in addition thereto, be imprisoned in the county jail not exceeding one month.

Sec. 32. That in every year in which an election shall be held for President or Vice-President of the United States, such election shall be held on the first Tuesday next after the first Monday in November, and in accordance with an act of Congress of the United States, approved January 23rd, 1845, entitled "An act to establish a uniform time for holding election for electors of President and Vice-President in all the States of the Union," and such elections shall be held and conducted, and returns made thereof, as in the manner and form provided by law for the general election.

Sec. 33. That the provisions of this act, except as to the time of holding elections, shall apply to the elections of all officers, or for any other purposes, where not otherwise provided by law.

Sec. 34. That those who may hereafter receive certificates of election to the Senate and House of Representatives of the Legislature of this State, and those Senators whose terms of office shall not have terminated, and none other shall be competent to organize the said Senate and House of Representatives.

Sec. 35. That the act entitled "An act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box," approved August 15, 1870, and all other laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Sec. 36. That this act take effect and be in force from and after the fifteenth day of May, A. D. 1873.

Approved March 31, 1873.

CHAPTER XX.

An Act to amend "An Act Regulating Elections," passed at the present session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourteenth section of the above

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recited act shall be amended so as to read as follows: "Sec. 14." When any person shall offer to vote in the precinct where he resides, one of the judges of election shall examine the registration list furnished the presiding officer by the clerk of the District Court, as provided by law, and if the name of the person offering to vote shall be found upon said list, shall call the name of the voter aloud, and mark on said list, opposite his name, the letter 'V,' and the other judge shall receive from the hands of the voter the ticket, and number the same, as provided by this act, and shall deposit the same in the ballot box, in the presence of the voter himself; and any voter, who happens to be out of the county of his residence, may vote anywhere in the district for State and district officers, or anywhere in the State for State officers; provided, such voter shall deliver to the officers of the election a certificate of the registering officer of his precinct, under his official seal, or his scroll if he has no seal, or from the district clerk of his county, showing that the voter has duly registered. Such voter may also, if not known to any of the officers of the election, be required to take an oath of identity, and that he has not, and will not vote elsewhere in that election, which oath, reduced to writing, he will sign and swear to before one of the judges of the election; and the officers of the election shall deposit the same, with said certificate, with the clerk of the District Court of the county wherein he voted, for safe keeping, and for judicial inspection, should the legality of such vote be questioned.

Sec. 2. That section sixteen of said act shall hereafter read as follows: "Sec. 16." That any person being a registered voter, and wishing to vote out of the precinct where he is registered, but within the county of his residence, may do so on delivering to the officers of the election a certficate of the registering officer of his precinct, under his notarial or other official seal, or his scroll if he has no seal, or a certificate from the clerk of the District Court of his county, showing that the person so offering to vote is duly registered; provided, that if such person is not known to any of the officers of the election, and cannot be identified by the oath of any person present and known to them, he shall be required to make oath to his identity, which oath shall be reduced to writing, and signed and sworn to before one of the judges of election,

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by the voter, and shall, with said certificate of registration, be deposited by the officers of the election with the clerk of the District Court, for safe keeping and for judicial inspection, should the legality of such person's vote be questioned. The registering officer shall be entitled to a fee of not exceeding ten cents for each certificate of registry provided for by this section, and by section fourteen of this act, to be paid by the person applying therefor; and if any registering officer shall refuse or neglect to furnish any such certificate, on demand made therefor by any person entitled to receive the same, such registering office shall, on conviction, be punished for such refusal or neglect by a fine of not less than fifty nor more than five hundred dollars; and any person who shall vote as permitted by this section, or section fourteen, on any certificate not issued to him, by using a certificate issued to another, shall be deemed guilty of a felony, and on conviction, shall be imprisoned in the penitentiary not less than one nor more than five years.

Sec. 3. That this act shall take effect and be in force from and after the fifteenth day of May, A. D. 1873.

Approved April 1, 1873.

CHAPTER XXI.

An Act to enlarge the County of Medina

Section 1. Be it enacted by the Legislature of the State of Texas, That so much of the territory of Bexar county as lies between the Medina river and the following described lines; that is to say, beginning on the southwest bank of the said Medina river, where the eastern boundary line of Medina county intersects said river; thence north, crossing the Medina river to intersect the boundary line between the counties of Bexar and Bandera; thence in a southwestern direction with said boundary line to where it intersects said Medina river, shall be and the same is hereby attached to and embraced in the county of Medina.

Sec. 2. Be it further enacted, That all laws or parts of laws in conflict with this act is hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

Approved April 2, 1873.

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CHAPTER XXII.

An Act Authorizing and Requiring the Secretary of State to Open the Returns and Make Report Thereof in Cases of Special Elections for the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That upon the coming in of the returns from an election district, in the case of a special election for the Legislature had or to be had, that it shall be the duty of the Secretary of the State, in presence of the Governor or Attorney General, to open the returns of the election and declare the result thereof, and certify the name of the person elected to the clerk of the House or secretary of the Senate, as the case may be.

Sec. 2. That this act shall take effect immediately.

Approved April 3, 1873.

CHAPTER XXIII.

An Act Making Appropriation to Pay the Mileage and Per Diem of the Presidential Electors.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money remaining in the treasury, not otherwise appropriated, to pay the mileage and per diem of the Presidential electors who convened in the city of Austin, on the .... day of December, 1872, to cast the vote of the State for President and Vice President.

Sec. 2. And whereas, A. T. Rainey, elector for the First Congressional District, when on his way to cast his vote as an elector for President, was detained six or seven hours at Hempstead, for the want of railroad connection, and that he reached the city of Austin about three hours after the time appointed by law for the electors to assemble, and by reason of such unavoidable detention said Rainey should not be denied mileage and per diem, but is entitled to the same.

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Sec. 3. That the Comptroller be, and is hereby authorized to issue his warrants on the Treasurer of the State, to the parties respectively, for the amounts that may be due each collector, as contemplated by the first and second sections of this act; and that this act take effect and be in force from and after its passage.

CHAPTER XXIV.

An Act to Regulate the Conduct of Public Officers.

Section 1. Be it enacted by the Legislature of the State Texas, That it shall not be lawful for any district attorney, sheriff, deputy sheriff, constable, town or city marshal, police officer of the State, or any city or town, or other officer within this State, to receive or accept from any person any sum of money, or any property, or the representation of either, as a condition upon which such person shall be liberated, or in settlement of any criminal or penal charge.

Sec. 2. Be it further enacted, That all sheriffs and their deputies, all constables, and all other officers collecting moneys, other than taxes, in the name, or for the use of the State, shall report in writing, under oath, to the respective District Courts of their several counties, on the first day of each term, the amounts of money that may have come to their hands since the last term of their respective courts. Said report shall show the amount collected, from whom collected, and by virtue of what process collected.

Sec. 3. Be it further enacted, That it shall be the duty of all officers, and other persons, such as named in section second of this act, to make a report to the respective Police or County Courts of this State, such as the report named in section two of this act, of all moneys collected for the county, at each regular term of said Police or County Courts.

Sec. 4. Be it further enacted, That it shall be the duty of all town or city marshals, or other officers or persons collecting money for, or in the name of any city or town, to report to the mayor and board of aldermen of

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each city or town in this State, on the first Monday in each month. That said report shall be, in all respects, like the one named in section two of this act.

Sec. 5. Be it further enacted, That any officer or other person failing to comply with any of the provisions of this act, or offending against its provisions, shall, upon conviction, by indictment in the District Courts of this State, be fined in a sum of not less than ten dollars and not more than one hundred dollars; and that it is hereby made the duty of the judges of the District Courts of this State to give this act in charge to the grand juries of their respective courts.

Sec. 6. That this act take effect and be in force from and [after] the expiration of thirty days from its approval.

Approved April 7, 1873.

CHAPTER XXV.

An Act to amend Sections twenty-third (23rd) and twenty-fourth (24th) of "An Act to organize the Courts of Justices of the Peace and County Courts, and to define their jurisdiction and duties," approved August 13th, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section twenty three (23) of "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," be so amended as hereafter to read as follows: "Sec. 23. When the defendant is brought before the justice, it shall be the duty of such justice, unless a jury be waived, to issue a venire facias to the sheriff, or any constable of his county, commanding him to summon a jury of six men for the trial of the case before him, who shall assess the fine and imprisonment, or either, as the case may be; and when such jury shall be summoned, they shall remain in attendance upon the court and sit as jurors in all cases that may come up for hearing until discharged by said court, for which they shall be allowed one dollar and fifty cents each per day, to be paid out of the county treasury upon a certificate from such justice of the number of days so served by them; provided, that if the defendant appear before such justice and plead guilty to

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the charge or complaint against him, or a jury to be waived, the justice shall, if desired by the defendant, proceed to assess the fine and imprisonment, or either, as the case may be, without the intervention of a jury."

"Sec. 24. When any person shall be convicted under the provisions of the preceding section, a fee of three dollars shall be taxed against him, and when collected the same shall be paid over to the county treasurer for county purposes."

Sec. 2. That this act take effect and be in force from and after its passage.

Approved April 9, 1873.

CHAPTER XXVI.

An Act to amend articles four hundred and twelve and four hundred and eighteen of the Penal Code, as amended by Act passed May 11, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That articles four hundred and twelve and four hundred and eighteen of the Penal Code be so amended as hereafter to read as follows: "Article 412. If any person shall keep or exhibit, for the purpose of gaming, any gaming table or bank of any name or description whatever, or any table or bank used for gaming which has no name, or pigeon hole table, or Jenny Lind table, or any nine or ten pin alley, used for gaming—and such pigeon hole table or Jenny Lind Table, or nine or ten pin alley, shall be considered as used for gaming, if the table fees, or alley fees, or money or anything of value is bet thereon—or shall be in any manner interested in keeping or exhibiting any such table, or bank, or nine or ten pin alley at any place, he shall be fined not less than twenty-five dollars, nor more than one hundred dollars, and may be confined in the county jail not more than thirty days."

"Article 418. If any person shall bet at any gaming table, or bank, or pigeon hole table, or Jenny Lind table, or nine or ten pin alley, such as are mentioned in the six preceding articles, he shall be fined not less than ten dollars, nor more than twenty-five dollars."

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Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1873.

CHAPTER XXVII.

An Act to create and provide for the organization of the County of Gregg, (named in honor of the late General John Gregg.)

Section 1. Be it enacted by the Legislature of the State of Texas, That a new county, to be called Gregg county, is hereby established out of the following portion of Upshur county, bounded as follows: Beginning at the south east corner of Upshur county in the center of Sabine river, thence north to Little Cypress, thence up said Cypress to the mouth of Glade creek, thence up said creek to the road running from Marshall to Gilmer, thence direct to the corner of Rusk and Smith counties on the Sabine river, thence down said river with its meandering to the place of beginning, containing four hundred and twenty square miles; provided, the line of said new county shall not approach nearer than twelve miles of Gilmer.

Sec. 2. That John F. Witherspoon, T. A. Harris, William Wilburn, Solomon Awalt, Britton Buttrill, John Page, H. G. Williams, are hereby appointed commissioners with full powers to organize said county; to employ a competent surveyor to run the lines of said county. One copy of said survey to be recorded in the office of the district clerk, at the county site of said county, and one copy to be filed with the Secretary of State at Austin. And said commissioners, or a majority of them, shall, as soon as practicable, after said survey has been made, meet in the town of Longview and proceed to divide said county into five precincts; said commissioners, or a majority of them, shall then order an election for a justice of the peace for each precinct, and for a sheriff, a clerk of the District Court, a treasurer, and surveyor, for said county of Gregg, who shall hold their term of office for four years, and until the next general election thereafter for county officers. Said commissioners shall give at least twenty days notice of said election, by posting

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notices thereof in three prominent places in each precinct of said county. Said election shall be held at the town of Longview, and shall continue four days, and shall be conducted in conformity with the laws regulating elections in this State; and for the purpose of carrying into effect the provisions of this act, said board of commissioners are hereby invested with all the powers conferred upon judges and commissioners of elections by the laws of this State. And said Commissioners shall make return of said election to the Secretary of State, at Austin, within ten days after the close of said election, and shall retain a copy of the same for record in the office of the district clerk at the county seat of said county of Gregg. Upon receipt of said returns by the Secretary of State, it shall be the duty of the Governor to issue, without delay, a commission to those receiving the highest number of votes for the several offices herein named, in accordance with said returns, after they have qualified according to law.

Sec. 3. That an election to be held at the same time and place, and to be governed by the same rules and regulations, as provided for in section (2) two of this bill, the people of the said county of Gregg shall determine by ballot upon what point shall be the county seat, and should any one place so voted for receive a majority of all the votes cast at said election, the same shall be the county seat of the said county, but should two or more places be voted for, and no one of said places receive a majority of all the votes cast, then it shall be the duty of the aforesaid commissioners to hold another election. They shall give ten days notice of the same, at which said election the two places having received the largest number of votes at the previous election, shall be voted for, and the place receiving the highest number of votes shall be declared by said commissioners as the county seat until otherwise provided for by law.

Sec. 4. That until the election and qualification of the officers herein mentioned, the business of the new county of Gregg shall be transacted at the county seat of Upshur county.

Sec. 5. That after their organization, the County Court of the said county of Gregg are hereby authorized to levy and collect a special tax, not to exceed one-half of one per cent., for the purchase of lots and erection of suitable public buildings for said county of Gregg, said tax to be collected in two annual installments.

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Sec. 6. That this act shall take effect from and after its passage.

Passed April 12, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the first day of May, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XXVIII.

An Act concerning the admission of Attorneys and Counsellors-at-Law to practice in the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That every person heretofore, or that may hereafter be licensed as an attorney and counsellor-at-law by any of the district courts of this State, may make his application, in writing, to the clerk of the Supreme Court for a license to practice therein; and upon furnishing to said clerk satisfactory evidence that he has been licensed by the District Court, and that he is a practicing attorney in good standing, and the oath as now required of attorneys of the Supreme Court, made before any notary public or a clerk of any District Court of this State, and certified to by him with his seal of office, the said clerk shall enter the name of such party upon the roll of attorneys of said court, and shall also furnish such party a certificate of the fact, which shall authorize him to appear and plead in said Supreme Court as an attorney thereof; provided nothing herein contained shall be so construed as to require the personal presence of the party making the application. That said clerks shall be entitled to the sum of five dollars for the services herein required, to be paid by the party making such application.

Sec. 2. That all laws and parts of laws in conflict herewith be and the same is hereby repealed.

Sec. 3. That this act take effect from and after its passage.

Approved April 18, 1873.

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CHAPTER XXIX.

An Act making an Appropriation for Mileage for the recently elected and newly seated Members of the House of Representatives.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five hundred ($500) dollars, or so much therof as may be necessary, is hereby appropriated for the mileage of recently elected or new seated members of the House of Representatives of the Thirteenth Legislature; and the Comptroller is hereby authorized and required to draw his warrant therefor, upon the certificate of the chief clerk of this House, countersigned by the Speaker, that the same is due, and the Treasurer shall pay the same out of any moneys not otherwise appropriated.

Sec. 2. That this act take effect immediately.

Approved April 18, 1873.

CHAPTER XXX.

An Act relating to Appeals to the Supreme Court from Interlocutory Judgments in the District Courts, approved November 1, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled "An act to provide for Appeals from Interlocutory Judgments in the District Courts of the State," be, and the same is repealed.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved April 18, 1873.

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CHAPTER XXXI.

An Act to repeal an an act entitled "An Act to establish a State Police and provide for the regulation and government of the same," approved July 1, 1870; also to repeal an act entitled an act to amend an act entitled "An Act to establish a State Police, and provide for the regulation of the same," approved May 2, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled "An act to establish a State police and provide for the regulation and government of the same," approved July 1, 1870, and an act entitled "An Act to amend an act entitled an act to establish a State police, and provide for the regulation of the same," approved July 1, 1870, approved May 2, 1871, be and the same are hereby repealed.

Sec. 2. That this act be in force from and after its passage.

Passed April 22, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fifteenth day of April, A. D. 1873, and returned by him to the house in which it originated, with his objections thereto, and was passed by a two-thirds vote by both houses of the Legislature, and returned to the office of the Secretary of State on the twenty-second day of April, 1873.—James P. Newcomb, Secretary of State.]

CHAPTER XXXII.

An Act to better provide for the Protection of Agricultural Interests.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter it shall be unlawful for any person or persons to break, pull down, or injure the fence or fences of another, without the consent of the owner, or person in possession thereof.

Sec. 2. Be it further enacted, That any person or persons, who shall open and leave any gate open leading into the enclosure of another, or shall knowingly permit

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his or their hogs, cattle, mules, horses or other stock, to go within the field or enclosed lands of another, without the consent of the owner, or shall tie or stake out to graze, any horse, mule, or other animal, within any field or enclosed lands not his own, and without the consent of the owner, shall be deemed guilty of a misdemeanor; and any person or persons violating anv of the provisions of this act, shall, on conviction thereof before any court of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars, and may, in addition thereto, be imprisoned in the county jail for any length of time, not to exceed twelve months; and that this act take effect and be in force from and after its passage.

Approved April 23, 1873.

CHAPTER XXXIII.

An Act amendatory of and supplemental to "An Act concerning Private Corporations," approved December 2, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the first article of the above recited act, approved December 2nd, 1871, be and is hereby amended so as hereafter to read as follows: "Section 1. Be it enacted by the Legislature of the State of Texas, That corporations are either, first, public; or, second, private."

Sec. [2.] That all companies incorporated prior to the passage of this act, in accordance with the provisions of the before recited act of December 2nd, 1871, are hereby validated as fully as if said act had contained in the first section thereof the legal enacting clause.

Sec. 3. That sections thirty-one and thirty-two of the fourth article of said act of December 2d, 1871, be and are hereby repealed.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Approved April 23, 1873.

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CHAPTER XXXIV.

An Act to amend Article Two Hundred and Eighty-four of An Act entitled "An Act to adopt and establish a Penal Code for the State of Texas," approved August 26, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 284 of the act entitled "An act to adopt and establish a penal code for the State of Texas," approved August 26, 1856, be so amended as to read as follows: "Article 284. Any person who, by loud or vociferous talking or swearing, or by any other noise, wilfully disturbs any congregation assembled for religious worship, and conducting themselves in a lawful manner, whatever may be the religion professed by such congregation, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than one hundred dollars, and may be imprisoned in the county jail not exceeding thirty days, at the discretion of the jury.

Sec. 2. That this act take effect sixty days after its passage.

Approved April 23, 1873.

CHAPTER XXXV.

An Act making a New Apportionment of the Representative and Senatorial Districts of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Representative and Senatorial Districts of the State shall hereafter be as follows:

First. The counties of Liberty, Hardin, Jefferson, Orange, Newton, Jasper, Tyler, Polk and Chambers shall constitute the "First District," and shall elect one Senator and three Representatives, and the presiding justice of Liberty county shall be the returning officer.

Second. The counties of Nacogdoches, San Augustine, Sabine, Shelby and Panola shall constitute the "Second District," and shall elect one Senator and four Representatives, and the presiding justice of Nacogdoches shall be the returning officer.

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Third. The counties of Cherokee, Houston, Trinity and Angelina shall constitute the "Third District," and shall elect one Senator and three Representatives, and the presiding justice of Cherokee county shall be the returning officer.

Fourth. The counties of Anderson, Henderson, Van Zandt, Kaufman and Rockwall shall constitute the "Fourth District," and shall elect one Senator and four Representatives, and the presiding justice of Henderson county shall be the returning officer.

Fifth. The counties of Rusk and Harrison shall constitute the "Fifth District," and shall elect one Senator and three Representatives, and the presiding justice of Rusk county shall be the returning officer.

Sixth. The counties of Smith and Upshur shall constitute the "Sixth District," and shall elect one Senator and three Representatives, and the presiding justice of Smith county shall be the returning officer.

Seventh. The counties of Cass, Bowie and Marion shall constitute the "Seventh District," and shall elect one Senator and three Representatives, and the presiding justice of Cass county shall be the reurning officer.

Eighth. The counties of Red River and Titus shall constitute the "Eighth District," and shall elect one Senator and three Representatives, and the presiding justice of Titus county shall be the returning officer.

Ninth. The counties of Navarro, Freestone and Limestone shall constitute the "Ninth District," and shall elect one Senator and three Representatives, and the presiding justice of Navarro county shall be the returning officer.

Tenth. The counties of Hopkins, Hunt, Raines, Wood and Delta shall constitute the "Tenth District," and shall elect one Senator and three Representatives, and the presiding justice of Hopkins county shall be the returning officer.

Eleventh. The counties of Lamar and Fannin shall constitute the "Eleventh District," and shall elect one Senator and three Representatives, and the presiding justice of Lamar county shall be the returning officer.

Twelfth. The counties of Galveston, Brazoria and Matagorda shall constitute the "Twelfth District," and shall elect one Senator and three Representatives, and the presiding justice of Galveston county shall be the returning officer.

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Thirteenth. The counties of Austin, Fort Bend and Wharton shall constitute the "Thirteenth District," and shall elect one Senator and three Representatives, and the presiding justice of Austin county shall be the returning officer.

Fourteenth. The counties of Harris and Montgomery shall constitute the "Fourteenth District," and shall elect one Senator and three Representatives, and the presiding justice of Harris county shall be the returning officer.

Fifteenth. The counties of Walker, Grimes, Madison and San Jacinto shall constitute the "Fifteenth District," and shall elect one Senator and three Representatives, and the presiding justice of Walker county shall be the returning officer.

Sixteenth. The counties of Washington and Burleson shall constitute the "Sixteenth District," and shall elect one Senator and three Representatives, and the presiding justice of Washington county shall be the returning officer.

Seventeenth. The counties of Falls, Milam and Bell shall constitute the "Seventeenth District," and shall elect one Senator and three Representatives, and the presiding justice of Washington county shall be the returning officer.

Eighteenth. The counties of Leon, Robertson and Brazos shall constitute the "Eighteenth District," and shall elect one Senator and two Representatives, and the presiding justice of Robertson county shall be the returning officer.

Nineteenth. The counties of Coryelle, McLennan, Bosque, Hamilton, Brown, Coleman, Runnels and Comanche shall constitute the "Nineteenth District," and shall elect one Senator and three Representatives, and the presiding justice of McLennan county shall be the returning officer.

Twentieth. The counties of Tarrant, Dallas, and Ellis shall constitute the "Twentieth District," and shall elect one Senator and three Representatives, and the presiding justice of Dallas county shall be the returning officer.

Twenty-first. The counties of Collin, Denton and Wise shall constitute the "Twenty-first District," and shall elect one Senator and three Representatives, and the presiding justice of Collin county shall be the returning officer.

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Twenty-second. The counties of Grayson, Cook, Montague, Clay, Wichita, Wilbarger, Hardeman, Archer, Baylor and Knox shall constitute the "Twenty-second District," and shall elect one Senator and three Representatives, and the presiding justice of Grayson county shall be the returning officer.

Twenty-third. The counties of Johnson, Hood, Parker, Erath, Palo Pinto, Stephens, Shackelford, Jones, Eastland, Callahan, Taylor, Hill, Jack, Young, Throckmorton and Haskell shall constitute the "Twenty-third District," and shall elect one Senator and three Representatives, and the presiding justice of Parker county shall be the returning officer.

Twenty-fourth. The counties of Calhoun, Jackson, Victoria, Refugio, San Patricio, Bee, Goliad, DeWitt, Karnes, Live Oak and Aransas shall constitute the "Twenty-fourth District," and the presiding justice of Victoria county shall be the returning officer.

Twenty-fifth. The counties of Lavaca and Colorado shall constitute the "Twenty-fifth District," and shall elect one Senator and two Representatives, and the presiding justice of Lavaca county shall be the returning officer.

Twenty-sixth. The counties of Bastrop and Fayette shall constitute the "Twenty-sixth District," and shall elect one Senator and three Representatives, and the presiding justice of Bastrop county shall be the returning officer.

Twenty-seventh. The counties of Guadalupe, Caldwell, Hays and Gonzales shall constitute the "Twenty-seventh District," and shall elect one Senator and three Representatives, and the presiding justice of Gonzales county shall be the returning officer.

Twenty-eighth. The counties of Travis, Williamson, Burnet, Lampasas, San Saba, McCulloch, Concho, Llano and Blanco shall constitute the "Twenty-eighth District," and shall elect one Senator and three Representatives, and the presiding justice of Travis county shall be the returning officer.

Twenty-ninth. The counties of Bexar, Comal, Kendall, Kerr, Gillespie, Kimball, Mason, Menard, Wilson, Atascosa, Bandera and Edwards shall constitute the "Twenty-ninth District," and shall elect one Senator

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and three Representatives, and the presiding justice of Bexar county shall be the returning officer.

Thirtieth. The counties of Cameron, Nueces, Hidalgo, Starr, Zapata, Duval, Encinal, Webb, McMullen, La Salle, Dimmitt, Maverick, Zavalla, Frio, Medina, Uvalde, Kinney, El Paso, Presidio, Pecos and Bexar District shall constitute the "Thirtieth District," and shall elect one Senator and three Representatives, and the presiding justice of Medina county shall be the returning officer.

Sec. 2. That this act take effect and be in force from and after the .....; and that all laws and parts of laws in conflict with the same are hereby repealed.

Passed April 24, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the first day of May, A. D. 1873, and was not signed by him, or returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XXXVI.

An Act to appoint an Agent to take charge of Property Bequeathed to the State of Texas for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest.

Whereas, Oscar L. Holmes, of Nacogdoches county, Texas, in his last will and testament made the following bequest, to-wit: "Sixth—I give and bequeath the residue of my property to the State of Texas, to aid in the maintenance and support of persons wounded and maimed in our defense in the present struggle of our Confederacy against the United States Government; those from Nacogdoches county, Texas, to have the preference;" therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That Asa Moore, of Nacogdoches county, be and he is hereby appointed the agent of the State of Texas, to take full possession and control of all the property of every kind bequeathed by Oscar L. Holmes to the

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State of Texas, "to aid in the maintenance and support of persons wounded and maimed in our defense in the late struggle of the Confederacy against the United States Government; those from Nacogdoces county to have preference;" and the said Moore be and he is hereby fully empowered to carry into effect said bequest; to invest the proceeds arising from the sale of the property, and to use the interest and revenues arising therefrom, and if such interest and revenues shall be found insufficient, then the principal or corpus of the property, to carry into effect the purposes of the bequest.

Sec. 2. That this act to take effect and be in force from and after its passage.

Passed April 24, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the twenty-sixth day of April, A. D. 1873, and was not signed by him, or returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XXXVII.

An Act making an Appropriation to pay the Contingent Expenses of the Thirteenth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any unappropriated money in the Treasury, to defray the contingent expenses of the "Thirteenth Legislature" of Texas; and that the approval of the chairman of the Contingent Expense Committee and secretary of the Senate, of accounts against that body; and the approval of the chairman of the Contingent Expense Committee of the House, and of the chief clerk, of accounts against that body; shall be sufficient evidence, on which the Comptroller shall draw his warrant on said appropriation.

Sec. 2. That this act take effect from its passage.

Passed April 25, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-sixth day of April, A. D. 1873, and was not signed by him, or returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XXXVIII.

An Act to Create the County of Waller.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory comprised within the following limits, to wit: beginning at the mouth of Beason's creek, on the Brazos; river, thence running east to the western boundary line of Montgomery county, where it crosses Mill creek; thence south with said boundary line to the corner of Montgomery county, on Spring creek; thence running on the bed of Spring creek with the Grimes and Harris county line, to the corner of Grimes, Austin and Harris counties; thence running with Harris and Austin county line to the corner of Fort Bend, Harris and Austin counties; thence with Fort Bend and Austin county line to the Brazos river; thence up said river, with its various meanderings, to the place of beginning; be and the same is hereby created a county, to be called the county of Waller, and the city of Hempstead is hereby declared the county seat of said county.

Sec. 2. That J. B. McCown, James B. Stephenson, William Maxwell, O. E. Taylor, W. J. Rainwater, J. C. Greer are hereby appointed commissioners to organize said county of Waller, and to divide the same into five justices' precincts. Said commissioners, before entering upon the duties herein prescribed, shall take an oath before some justice of the peace of Austin or Grimes county, faithfully and impartially to discharge the same.

Sec. 3. That said commissioners, a majority of whom shall constitute a quorum for the transaction of business, shall, at the earliest day practicable, lay off said county into five justices' precincts, defining the boundaries thereof, and immediately thereafter shall report the same to

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the Governor of the State. They shall also employ a competent surveyor to run off the boundary line of said county.

Sec. 4. It shall be the duty of the Governor, as soon as he shall be notified by said commissioners of the performance of the duties aforesaid, to order an election of all county officers, elective under the Constitution of the State, for said county. Said election to be holden at such place or places as the Governor may designate, and shall be governed in all respects by such laws in regard to elections, as may be in force at the time of holding the same.

Sec. 5. Any one of said commissioners are empowered to administer the oath of office to the officers elected under this act, and said officers shall hold office until the next general election for county officers, and until their successors are qualified.

Sec. 6. Until said Officers are elected and qualified, all the territory in said county shall belong for all purposes to those counties from which the same is taken.

Sec. 7. This act shall take effect and be in force from and after its passage.

Passed April 28, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the first day of May, A. D. 1873, and was not signed by him, or returned to the House in which it originated, with its objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XXXIX.

An Act to authorize the Judge of the Tenth Judicial District of the State to hold a Special Term of the District Court in and for the County of Anderson, in said Tenth District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the judge of the Tenth Judicial District of said State shall hold a special term of the District Court in the county of Anderson, commencing on the first

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Monday in May, 1873, and may continue in session three weeks, if business so long requires, and this act shall then cease.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved April 28, 1873.

CHAPTER XL.

An Act to dispense with the use of Scrolls and Seals in certain case, approved February 2, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above recited act shall be so amended as hereafter to read as follows: "Section 1. No scroll or private seal shall be necessary to the validity of any contract, bond, or conveyance, whether respecting real or personal property, or any other instrument of writing, whether official, judicial, or private, except such as are made by corporations; nor shall the addition or omission of a scroll or seal in any way affect the force and effect of the same; and every contract in writing, hereafter made, shall be held to impart a consideration as fully, and in the same manner, as sealed instruments have heretofore done."

Sec. 2. That this act take effect from and after its passage.

Approved April 28, 1873.

CHAPTER XLI.

An Act to provide for Prompt Settlement of Accounts by Sheriffs with the State and Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of every sheriff in this State, to forward to the Comptroller of Public Accounts, every three months, a statement in writing, signed by him officially, of all moneys collected by him for State taxes, and for county taxes on property in counties other

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than his own, giving the names of the persons from whom such taxes were received, and the amount thereof; and he shall, on the first day of June and December of each year, pay over to the Treasurer of State all moneys collected by him for State taxes, and for county taxes on property in counties other than his own, deducting therefrom his legal commissions for said collections. It shall also be the duty of each and every sheriff in this State, every three months, to return to the county treasurer of his county, a statement in writing, of all moneys collected by him for county purposes, with the names of the persons from whom said taxes or money was received, distinctly specifying in said statement what amounts were received in money, and who from, and what amount in county liabilities, which are by law receivable in payment of county taxes, and who from, which statement shall be recorded by the county treasurer in a book to be kept for that purpose; and the county treasurer shall receive such compensation for recording said statement as the County Court may allow; and he shall pay over to the county treasurer of his county, every three months, all county taxes collected by him on property situated in his county, in the money and county liabilities received by him as aforesaid.

Sec. 2. Should any sheriff of this State fail to make the semi-annual settlement with the Treasurer of the State, as prescribed in this act, it shall be the duty of the Comptroller of Public Accounts to immediately notify the district attorney of the district in which said sheriff resides, or any competent practicing attorney-at-law, of such failure or failures of said sheriff, giving to said attorney a certified transcript from his books showing the amount due and owing by said sheriff, and adding to said amount the commissions of said sheriff, which shall be forfeited in every instance; and it is hereby made the duty of the attorney, to whom the transcript aforesaid is sent, to immediately bring suit thereon in the District Court of the county in which said sheriff resides, in the name of the State of Texas, upon the offical bond of said sheriff. On the trial of said cause, in case judgment shall be rendered against said sheriff and his securities, five per cent. per month, from the time the indebtedness may be found due and owing by said sheriff, until the same shall be paid, shall be, in addition to the judgment adjudged and decreed

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by the court and such sheriff shall be removed by the court from his office.

Sec. 3. In suits hereinbefore provided, no claim for a credit shall be admitted upon trial but such as shall appear to have been presented to the Comptroller of Public Accounts for examination, and by him disallowed, in whole or in part, unless proved to the satisfaction of the court that the defendant is in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting such claim for such credit to the Comptroller by unavoidable accident or mistake.

Sec. 4. Should any sheriff fail to perform any of the duties imposed upon him in this act with the treasurer of the county, it is hereby made the duty of the county treasurer to apply to the district attorney of the district in which said sheriff resides, or any competent practicing attorney at law, who shall institute suit in the District Court of the county where said sheriff resides, in the name of the county; and such suit shall be conducted and tried in the same manner as is provided herein upon suits brought at the instance of the Comptroller of Public Accounts, and the same judgments shall be rendered.

Sec. 5. The fees of the attorney prosecuting the suits herein mentioned shall be ten per cent. upon the amount of the judgment obtained.

Sec. 6. Should any sheriff fail to forward the statement to the Comptroller of Public Accounts within one month from the time specified in this act for making and forwarding said statement, it is hereby made the duty of the Comptroller to institute suit upon the official bond of said sheriff and his securities, for the full amount of the taxes due upon the assessment rolls of said sheriff; and such suit shall be instituted and conducted as hereinbefore provided, and the same judgments shall be rendered.

Sec. 7. The sheriffs of the different counties of this State are hereby required, within two months from the passage of this act, to make settlement with the Comptroller of Public Accounts of all moneys collected by them as taxes for the State, and in counties other than their own, deducting therefrom their legal commission for said collection; and, on failure so to do, the said sheriff shall be liable to indictment, and, upon conviction, shall be fined in the sum of five hundred ($500) dollars, and shall, also, be liable upon his official bond, at the suit of the State,

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for the full amount of the taxes upon the tax rolls of his county which may be shown to be due, and also removed from his office.

Sec. 8. All laws inconsistent, or in conflict, with this act are hereby repealed; and this act shall be in force from and after its passage.

Approved April 28, 1873.

CHAPTER XLII.

An Act to provide for the Registration of Voters, and to repeal "An Act to Provide for a Special Registration of Voters, preparatory to an Election under the provisions of 'An Act to authorize Counties, Cities and Towns to aid in the Construction of Railroads and other works of Internal Improvement,'" approved May 31, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the clerks of the District Courts of the counties in this State shall be registrars for their respective counties, and may act in person or by duly qualified deputies. In case of a vacancy in the office of district clerk, at any time when registration may be necessary, preceding an election, the County or Police Court shall assemble as early as possible, and appoint a registrar for the time being, who, during such vacancy, shall perform all the duties and have all the powers hereinafter conferred on district clerks and their deputies. Said temporary registrar shall appoint, with the consent of the County Court, as many deputies as may be necessary to serve through the days provided for general registration, all of whom, with the principal, shall, before entering upon the discharge of their duties, take the constitutional oath provided for other officers.

Sec. 2. That it shall be the duty of the district clerk, at any time, excepting on Sundays, or during the time of election, or within three days (Sunday excepted) next before any general election, to enter upon the registration list of each or any election precinct within his county, the name of any person resident in such precinct, and entitled to vote therein; and for willfully or corruptly refusing to register any person entitled to register, as herein provided or as hereinafter provided for precinct registra-

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tion, the officer so refusing shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than one hundred ($100) dollars nor more than five hundred ($500) dollars for each offense.

Sec. 3. That at least forty (40) days (Sundays excepted) before each general biennial election hereafter to occur, the district clerk, or other person performing the duties of registrar, shall give at least ten days' notice of the time and places, and the number of days during which he will attend in person or by legally constituted deputy, at the voting place fixed by the County Court for each voting precinct in his county, for the purpose of registering the voters of such precinct. Said notice, if there be a newspaper published in the county, shall be published in at least one such paper, and by at least three written or printed notices posted in at least three public places in each election precinct. If there be no newspaper in such county, then the written notices as aforesaid, shall be sufficient. The books of registration shall be kept open in each precinct for at least five days; provided, that in counties having less than five hundred voters, the registering officer may close the registration in any precinct at any time after three days by certifying on his official returns, under his oath of office, that the entire voting population then in such precinct, desiring or able to attend, according to the best of his knowledge and belief, had registered; provided, however, that the first general registration under the provisions of this section shall commence not less than sixty nor more than ninety days from and after the passage of this act, to be conducted, in all respects, as to notice, duration of time, revision by the board of revision, and otherwise, according to the provisions of this section; provided further, that the board of revision for the first registration shall assemble for such revision on the second Monday after the commencement of said first registration.

Sec. 4. That when a person applies for registration, either in his own precinct, during the days of registration, or otherwise, before the district clerk in his office, if he be known to the registration officer to possess the constitutional qualifications required of electors, he shall enter his name as a duly registered voter. Should he be unknown to the officer, and there be present no qualified voter known to the officer to vouch for the applicant's

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qualifications, or if the officer still entertains any doubt, or if requested by any citizen present, he shall swear the applicant as to his rights to registration. If he swears or affirms that he does possess the constitutional qualifications, they being explained to him, his name shall be registered, but otherwise his name shall not be so registered.

Sec. 5. That the registering officer shall be entitled to a fee of ten cents (10 cts.) for each name registered or rejected, to be paid by the county, for which the County Court shall issue the proper order.

Sec. 6. That the district clerk shall procure suitable books, to be paid for by the county, in which to register the voters of precincts separately, and one book in which to enter the names of the whole number of voters in his county by precincts; and in which last named book he shall register, in the list of the proper precinct, the names of all persons who may be registered in his office, or who may be declared entitled to register by the board of revision hereinafter provided; and he shall procure all necessary blank forms and certificates at the expense of the county.

Sec. 7. That general registrations shall commence at least thirty days (Sundays excepted) before the day of general election.

Sec. 8. That the justices of the peace of the county, or any three of them, shall constitute a board of revision. They shall meet at the court house on the twelfth day before any general election (Sundays excepted), and remain in session five (5) days to hear appeals by persons who may have been denied registration, or complaints against the right to the registration of any person who may have been registered, and to register other persons entitled thereto. They shall have full power to examine applicants and other persons under oath, touching the qualifications of any person so denied registration or claimed to have been improperly registered, and decide the case, which decision shall be final. And should said board of revision willfully or corruptly fail or refuse to register any person authorized by law to be registered, or willfully or corruptly strike from the list any legally qualified voter, each member thereof so offending shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred (100) nor more than five hundred (500)

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dollars for each offence. The district clerk shall enter upon the list of the proper precinct, in presence of the board, the names of all persons who may be thus declared entitled to registration; and in like manner, in presence of the board, cross out the names of all persons thus declared improperly registered, writing opposite each name "Erased by the board of revision." At the conclusion of their labors, the board of revision shall make and sign a certificate, immediately following the last name on each separate precinct registration list, including all the names belonging therto, whether registered at the general precinct registration, or by the district clerk in vacation, or placed there by order of the board of revision, which certificate shall state that the foregoing list of names, numbered from one (1) to the end (giving the final number), and registered on .... pages of this book, is a true and correct list of the legal voters of ..... election precinct in ..... county, as revised by the board of revision, at their session closing on the .... day of ..... The district clerk shall first enter in the general book of registration, by precincts, all names, erasures, and changes made by the board of revision during its session, to be certified as correct by the presiding officer of the board; and thereupon, on or before the day next preceding the election, he shall deliver, or cause to be delivered, through the sheriff or one of his deputies, or some other person sworn to discharge that duty, to the presiding officer of each election precinct the separate registration book of that precinct, to be used during that election and all other elections that may intervene prior to the next general registration, as hereinbefore provided for.

Sec. 9. That after such first general registration, should there be any special election for whatsoever purpose prior to the next general registration, then and in that case the district clerk, under his hand and official seal, shall deliver, or cause to be delivered by the sheriff or one of his deputies, or some other person sworn to discharge that duty, to each presiding officer in whose election precinct an election is to be held, a list of all persons, duly numbered in consecutive order from the highest number on the regular revised precinct list, who may have been registered by him since the revision by the board as hereinbefore provided. Said list shall be delivered to the presiding officer, or the person chosen according to the

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law regulating elections to preside, at latest, at or before eight o'clock A. M. of the day of the election.

Sec. 10. That the biennial registration hereinbefore provided for shall be deemed and held proper registrations for all special elections, including those arising under the act of April 12th, 1871, to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement.

Sec. 11. That during the days of registration, the registering officer shall have all necessary power to preserve order and decorum, and to this end may order any sheriff, constable, their deputy or deputies, or in the absence of such officers, any one or more citizens appointed by him, to arrest any disorderly or riotous person or persons, and take him or them before the proper justice of the peace for trial; and any officer as aforesaid, or any citizen appointed as aforesaid, who shall refuse to execute the commands of the registering officer, as herein provided, shall, on conviction, be fined not less than one hundred nor more than five hundred dollars for each offence. That any person who shall swear falsely under any of the provisions of this act, shall be deemed guilty of perjury, and, on conviction, shall be punished by confinement in the penitentiary for a term of two years.

Sec. 12. That "An act to provide for the registration of voters," approved July 11th, 1870, also "An act to provide for a special registration of voters, preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement," approved May 31st, 1871, and all other laws and parts of laws in conflict with the provisions of this act, be and are hereby repealed; and that this act shall take effect and be in force from and after the fifteenth day of May, A. D. 1873.

Approved April 29, 1873

CHAPTER XLIII.

An Act defining a further Cause of Continuance in Civil Cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all civil cases it shall be a suffi-

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cient ground of continuance that a party or his leading counsel is absent in attendance upon the Legislature of this State, as a member thereof, when applied for on behalf of such party.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 29, 1873.

CHAPTER XLIV.

An Act to release certain Taxes to the Residents of the Counties of Montague, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the Counties lying West and Southwest of the same.

Whereas, The counties of Montague, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same, are continually subject to incursions of hostile Indians, and the residents thereof are often taken from their accustomed employment and labor to repel invasions, in protection of their lives and the lives of their families, and their property; and

Whereas, The government of the United States will not sanction or permit the keeping of a regular force of armed troops by the State for the purpose of protecting the frontier from such invasions; and it has become evident that unless some means be provided to enable the residents of said counties to protect themselves, that many of said counties will be abandoned; and, further, that for want of adequate protection, which the State is unable to give, the residents of said counties are subjected to a great loss of property annually; and

Whereas, It is greatly to the interest of the State that the settlement of the frontier be promoted, and by the promotion a means of protection will be afforded; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That in consideration of the impoverished condition of the counties of Montague, Wise, Parker, Hood, Erath, Hame[i]lton, Lampasas, Burnet,

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Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same—which impoverishment is the result of the continuous depredations upon those counties by bands of hostile Indians; and in further consideration of the public services rendered by the citizens of said counties, in repelling invasions from hostile Indians, all State *ad valorem* and poll tax that is now, or that may hereafter be, assessed against the residents of said counties, be, and the same is, hereby released and surrendered by the State of Texas to the actual residents of said counties against whom such assessments have, or may hereafter be made; and the several sheriffs of said counties be, and they are, hereby required not to collect the same; provided, that the provisions of this act shall not apply to any assessment of taxes made prior to the year 1873.

Sec. 2. That this act shall not be construed to prevent the collection of taxes on property in any of the said counties belonging to any person who is not an actual resident of said county, or to any of the residents of the first precinct of the county of Parker, or to any of the residents of those portions of the counties of Hood and Erath lying east of the following line: commencing at the mouth of Long Creek, in Hood county, on the west side of the Brazos, thence in a direct line to the southwest corner of the J. Sovereign survey of eight and one-third labors of land in said county on the west boundary line of said county of Hood; thence on a direct line to the west corner of the J. Merritt survey of three hundred and twenty acres of land in the county of Erath, on the south-west boundary line of said county of Erath.

Sec. 3. That this act shall take effect and remain in force from and after its passage, and to remain in force two years.

Passed April 30, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the second day of May, A. D. 1873, and was not signed by him, or returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER XLV.

An Act to accurately define the Land District of Palo Pinto, and to make valid the Surveys and Locations heretofore made therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Palo Pinto, Buchanan, Shackelford, Jones, Taylor, Eastland, Callahan, Throckmorton, Haskell, and the territory of said counties, are declared to constitute the Land District of Palo Pinto, and the principal office of said district shall be kept at the town of Palo Pinto, and the county surveyor of Palo Pinto county shall be the surveyor of said district; provided, that all legal files and locations heretofore made in the proper land district shall not be affected by the passage of this law.

Sec. 2. That the surveys and locations of land made in the counties recited in the preceding section, by persons appointed as surveyors therein by the Governor of the State, under an act entitled "An act to provide for the appointment by the Governor of certain officers to fill vacancies," approved on the twenty-eighth day of June, 1870, are hereby validated and declared to be legal when the same are found to be correct, and made according to the laws governing surveys in districts legally and properly created; provided, that this act shall not affect locations nor surveys previously legally made in the said territory, by surveyors of any of the districts to which it formerly belonged.

Sec. 3. That this act take effect and be in force from its passage.

Approved May 3, 1873.

CHAPTER XLVI.

An Act to make provision for the better security of Public Funds.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for the Treasurer of this State to keep, or receive into the building, safes or vaults of the treasury of this State, any money,

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or the representative of money, belonging to any individual, except in cases expressly provided for by law; nor shall it be lawful for said Treasurer to use, for his own use, or loan, sell, or exchange any money, or the representation of money, in his custody or control as such Treasurer.

Sec. 2. Be it further enacted, That should the Treasurer of this State violate, or permit any other person to violate, any of the provisions of the first section of this act, he shall be subject to indictment, and upon conviction, shall be fined in the sum of one thousand dollars, and be removed from office.

Sec. 3. Be it further enacted, That it shall be the duty of the Attorney General of this State, with the Comptroller, on the first day of June and December of every year, to examine the bond of the Treasurer, and make diligent enquiry into the condition of the sureties on said bond; and if, in the opinion of the Attorney General, said bond is not sufficient, from death, removal, insolvency of said sureties, or from any cause, to secure the State in her rights, then it shall be the duty of the Attorney General to notify said Treasurer in writing, of the insufficiency of said bond; and should said Treasurer fail for the space of twenty days from the date of said notice, to furnish a sufficient new bond, it shall be the duty of the Governor forthwith to suspend said Treasurer from office.

Sec. 4. Be it further enacted, That should the Treasurer of this State be suspended from office under the provisions of this act, it shall be the duty of the Governor to appoint some suitable person Treasurer, who shall give bond as in other cases; said bond to be approved by the Attorney General and Governor; and who, when appointed, shall perform the duties of Treasurer until the suspended officer shall give a new bond, to be approved by the Attorney General.

Sec. 5. Be it further enacted, That it shall not be lawful for any State, county, city or town officer to trade, buy, or be in any way concerned in trading in claims or demands against their respective governments.

Sec. 6. A[n]y officer violating the provisions of the fifth section of this act, if he be a State officer, shall be subject to indictment, and on conviction, be fined in the sum of one thousand dollars and be removed from office;

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and that this act take effct and be in force from and after its passage.

Passed May 3, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the House in which it originated with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XLVII.

An Act to Provide for the Registration of Births.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall hereafter be the duty of the clerks of the District Courts of this State to make and keep in their offices a register of all persons born in their respective counties.

Sec. 2. Be it further enacted, That in order to enable the several clerks to perform the duty prescribed in the first section of this act, it is hereby made the duty of the several County or Police Courts of this State to furnish the clerks with well bound books, with appropriate headings, and properly ruled into columns. That said book shall be ruled as to to have one column for the name of the person to be registered; one column for the names of the father and mother; one column for date of births; one column for the color of the parents, and one column for the sex.

Sec. 3. Be it further enacted, That it shall be the duty of the father and mother to have the registry of all children born unto them, after the passage of this act, registered, as provided for in the second section of this act, within six months after such birth; and any father or mother, guardian or person, having charge of such child, neglecting the performance of the duty prescribed in this act, shall be fined in the sum of five dollars for every month said duty may be neglected.

Sec. 4. Be it further enacted, That the several clerks

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of this State shall keep a complete index of the persons so registered, and may demand and receive from the person having such registration done, the sum of ten (10) cents for each person so registered. That this act take effect from its passage.

Approved May 3, 1873.

CHAPTER XLVIII.

An Act to enable the District Judges to make Temporary Appointments of Clerks of District Courts, in cases of Vacancies.

Section 1. Be it enacted by the Legislature of the State of Texas, That when there may now be vacancies in the office of clerks of the district courts of this State, it shall be lawful for the Judge of the District Court of the county where such vacancy may exist, to make an appointment of some suitable person as clerk, who shall hold his office until the next general election.

Sec. 2. That said appointee shall, upon entering upon the duties of his office, take the oath of office prescribed by the Constitution, and give bond as prescribed by law, to be approved by said judge.

Sec. 3. That at any time hereafter, when a vacancy may occur in the office of clerk of the District Court, the judge of the district where such vacancy may take place shall have power to fill such vacancy, under the terms and conditions prescribed in the two first sections of this act, which appointee shall continue in office until his successor can be elected and qualified; and that this act be enforced from its passage.

Approved May 7, 1873.

CHAPTER XLIX.

An Act to prescribe the mode and manner of designating Exemption Homesteads in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person entitled to a homestead under the Constitution and laws of this State, exempt

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from forced sale, outside of the limits of any city or town of two hundred acres, and which said homestead is a part of a larger tract of land owned by the party, or a part of two or more tracts owned by the party, containing more acres of land than the party is entitled to have exempted from forced sale, the excess of said tract or tracts of land over and above the homestead exemption may be partitioned and separated from such homestead and subjected to levy and sale, if otherwise, subject, in the following manner, viz: The sheriff, or other lawful officer, holding an execution or order of sale against any party. the owner of an excess of land, over and above his exempted homestead, and which excess of land is not separated and partitioned from the homestead of the defendant in execution, and which excess, or a portion of the same, is subject to levy and sale at the time, may, on his own motion, and shall, if required by the plaintiff in execution, his agent or attorney, notify the defendant in execution to designate and portion his homestead, from any excess of land over and above his homestead; and that if he does not do so in ten days from the date of the service of such notice, that he will appoint commissioners to designate the same; said notice shall be written or printed; shall be signed by the sheriff or other officer, and may be served on the defendant by reading the same to him, or by leaving a copy of the same at his place of residence; and the sheriff, or other officer, shall return said notice to the court from which the execution issued, with his return endorsed on the same, showing how he has executed the same; and which said notice and return shall be filed by the proper officer of the court, and said notice and return shall be *prima facie* evidence of the facts stated. After service of such notice, the defendant in execution, shall have the right, within the ten days, to voluntarily designate and portion his homestead from any excess of land he may own over and above the same, which said designation shall be in writing, and signed by the defendant; and it shall describe the land claimed as a homestead by metes and bounds; shall state the name of the survey, and, if it is part of two or more surveys, shall state the name and number of acres in each, which said designation shall, within the ten days, be delivered to the sheriff or other officer holding the execution, by the defendant, and the officer shall return said voluntary designation to the court

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from which the execution issued, and it shall be by the proper officer of said court filed; and it shall be full evidence to bind the defendant in execution and his assigns, and shall operate as a relinquishment of all right of homestead to such excess of land. If, after the expiration of the ten days after service of notice on the defendant as aforesaid, the defendant in execution has not voluntarily designated and separated his homestead from any excess of land he may own subject to execution, and delivered the same as required by this act to the sheriff or other proper officer, such sheriff or other officer shall at once, or at the earliest practicable time, summon, either verbally or by writing, three disinterested freeholders of the county, neighbors of the defendant, as commissioners to designate the homestead of the defendant for him; and said commissioners may employ a surveyor to assist them, if they deem it necessary; and said commissioners shall at once, or at the earliest practicable time, proceed to designate the homestead of the defendant; and the action of the said commissioners shall be reduced to writing, shall be signed by them, or a majority of them, and sworn to before the sheriff or other officer holding the execution, who is hereby, for the purposes of this act, authorized to administer oaths; and this designation shall contain all the requisites of a voluntary one under this act as to metes and bounds, name of survey or surveys and number of acres in each, and, in addition, shall state that they have been summoned by the sheriff or other officer to perform this duty, and that the designation made is fair and just to the defendant, to the best of their judgment and belief, which designation the commissioners shall deliver to the sheriff or other officer, who shall return it to the court from which the execution or order of sale issued, and when so returned it shall be filed by the proper officer of the proper court, and shall be evidence of the facts stated, and shall bind the defendant in execution, his heirs and assigns as fully as a voluntary designation under this act.

Sec. 2. That the sheriff, for his services under the first section of this act, shall be entitled to a fee of two dollars; the commissioners, each, to a fee of two dollars per day; the surveyor to a fee of five dollars per day, which shall include pay for chainmen; the clerk or justice, for receiving and filing the notice and return on the

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same, and the designations of such homestead, such fees as are allowed by law for similar services, which said fees shall be taxed on the bill of cost of the execi[u]tion against the defendant by the sheriff or other officer, and collected as the other cost of suit.

Sec. 3. That this act shall be considered cumulative, and shall not be construed so as to interefere or abrogate any other mode or remedy now known to the law for subjecting the excess of the homestead tract of land, over and above the exemption, to forced sale, or any mode known to the law for procuring partition by the purchaser, at such execution sale, between himself and the owner of the homestead.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved May 7, 1873.

CHAPTER L.

An Act Regulating Contested Elections.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person intending to contest the election of any one holding a certificate of election, to any office in this State, shall, within thirty days after the return day, give him notice thereof, in writing, and deliver to him, his agent or attorney, a written statement of the grounds on which he relies to sustain such contest; and the person holding said certificate of election, shall, within ten days after receiving such notice, deliver, or cause to be delivered to said contestant, his reply to said statement; and such notice, statement and reply shall be served upon the parties, in person, if they can be found; if not, upon their agent or attorney, or by leaving the same with some person over the age of sixteen years, at the usual place of abode or business of the party, upon whom they are to be served.

Sec. 2. If the contest be for the validity of an election for any district or county officer, a copy of the notices and other papers served on the parties, shall be filed with the clerk of the District Court of the county in which the residence of the party holding the certificate of election,

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is; and when so filed, the entry of the trial of said contest shall be made upon the docket of said court, the same as other causes, and shall be tried at the next term of said District Court, and upon the rules governing proceedings in other causes; and if, on trial, any vote or votes be found to be illegal or fraudulent, the court shall subtract such votes from the poll of the candidate for whom they were given; and, after a full and fair investigation of such evidence, shall decide to whom the office belongs; or, should the election appear to have been illegally and fraudulently conducted, to order a new one, as the case may be; and the costs of suit shall be taxed by the court according to the laws governing costs in other causes; and such causes shall have precedence over all other causes.

Sec. 3. Contests for any State office, not required to be tried before the Legislature, shall be tried in the District Court of Travis county, as provided for in the preceding sections.

Sec. 4. If the contest be for the validity of an election of members for the Legislature, a copy of the notices and other papers served on the parties, as required in the first section of this act, shall, within twenty days after the service thereof, be filed with the officer to whom the returns of said election were made, who shall envelope the same, together with a certified copy of all other returns to him made, and seal the same, writing his name across the seals, and shall address the packet to the Secretary of State (who shall deliver the same to the President of the Senate, or Speaker of the House of Representatives, as the case may be), and shall forward the same, by mail, to the seat of government, so as to reach there before the convening of the Legislature, if possible; and at any time after the filing of said notices and papers with the returning officer, either party to said contest may proceed, at his own expense, to take such written testimony as he may deem proper, having first served the opposite party, his agent or attorney, with a copy of the interrogatories he intends to propound to each witness, and the name of the officer before whom such interrogatories will be answered, as well as the time and place of taking such testimony; and any officer authorized to administer oaths in this State shall, upon being satisfied as to the payment of any costs that may accrue in the taking of said testimony, including his own fees, proceed, upon the application of

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the party desiring it, to summon such witness, and take his answers, under oath, according to law, to such interrogatories and cross-interrogatories as may be propounded to him; and when so taken and certified to by him, shall be by him enveloped, sealed and forwarded by mail to the returning officer, with whom the notices and other papers were filed, who shall forward them, without breaking the seal, to the Secretary of State, who shall deliver the same to the President of the Senate or Speaker of the House of Representatives, as the case may be, without delay; provided, that nothing in this act shall prevent either party from introducing oral testimony, on the trial of the contest, at his own expense. And all laws heretofore enacted, relating to contested elections, are hereby repealed.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved May 8, 1873.

CHAPTER LI.

An Act making Appropriation for the Payment of the Expenses of the several Contested Election Cases, and Special Investigations, before the present Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the per diem and mileage of witnesses and other expenses incident to the several contested election cases of the present session, and other investigations by standing and select committees, as follows, to wit: To pay witness fees and other expenses in the matter of contest of Charles Stewart against J. G. Tracy, the sum of five thousand dollars; for the same purpose, in the case of Thompson against Tendick, the sum of two hundred dollars; for the same purpose, in the case of Patrick against Randle, the sum of five hundred dollars; to pay witness fees and other expenses incident to the investigation of charges against Judge T. C. Barden, the sum of three thousand dollars; for the per diem and mileage of witnesses, and for expenses incurred in sum-

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moning the same in the investigation of the accounts and official conduct of the Superintendent of Public Instruction, two thousand dollars; for per diem and mileage of witnesses before the Committee on Privileges and Elections, in matter of contested seats in House of Representatives, eighteen hundred dollars; for per diem and mileage of witnesses before Committee on Public Lands and Land Office, in matter of the State of Texas against Ruggles and others, six hundred and fifty dollars; for expenses of the sergeant-at-arms and special sergeant-at-arms in summoning witnesses under orders of the several committees of the House of Representatives, three hundred and fifty dollars; provided, no pay shall be allowed State policemen who, while as such witnesses, were drawing pay as such State policemen.

Sec. 2. That the sworn statement of a party presenting a claim against any of the appropriations herein, with the approval of the chairman of the respective and appropriate committee, or the certificate of the chief clerk of the House, countersigned by the Speaker, or of the secretary of the Senate, countersignd by the President, shall be sufficient evidence for the Comptroller to draw his warrant against the respective appropriations, upon which said claims may be made.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved May 9, 1873.

CHAPTER LII.

An Act to authorize the County Courts of the several Counties to keep up and improve Roads and Bridges.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of the several counties of this State be and they are hereby authorized to appropriate the taxes collected for the benefit of roads and bridges to the building of bridges, and the improvement of the first-class public roads in their respective counties; said roads to be classed by said courts.

Sec. 2. Said County Courts shall constitute a board of road supervisors, and the members of said court shall

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act as supervisors in their respective precincts; and it shall be their duty to report to the County Court such improvement and repairs as in their opinion are necessary to keep the roads in their respective precincts in good condition; and said County Court may, when in session, order such work to be done as a majority of said court may think necessary, and shall authorize the justice of the peace in each precinct to let out the work to be done to the lowest bidder, and in the vicinity or on the ground where such work is to be done, after advertising the work to be let at not less than three of the most public places in the neighborhood where such work is to be done, with a full and complete plan of the work to be let; when the work is let, such contractor shall execute such bond for the faithful performance of the same, according to contract, as the County Court may direct.

Sec. 3. That work on roads, or bridges, or causeways, as contemplated in the foregoing section of this act, on completion, according to the terms of the contract, and so certified by the County Court, shall be paid for, by order of said court, out of the road fund of the county.

Sec. 4. That the justices of the peace of the several counties shall receive such compensation as the County Court, in session, may determine; provided, that the compensation shall not exceed two dollars per day each, for services actually and necessarily rendered; such services to be paid for quarterly out of the road fund, by an order of the County Court on the county treasurer; and no justice of the peace shall be allowed to receive pay for more than five days in one year for such services.

Sec. 5. Any person may pay his road tax by work on any portion of the road, causeway or bridge in the county, under contract or agreement with the justice of the peace of the precinct in which such work is to be done; and such justice of the peace may receipt for the same when such work is actually done, and such receipt shall be a sufficient voucher on settlement with the tax collector of the county; provided, that such person shall not be allowed more than one dollar per day for such work.

Sec. 6. That an act entitled "An act to authorize County Courts to levy a road tax and to improve roads and bridges," passed fourth of August, 1870, is hereby repealed; and this act shall take effect and be in force from and after its passage.

Passed May 10, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LIII.

An Act to amend an act entitled "An Act prescribing the times of holding the District Courts in the several Judicial Districts in the State," approved August 10, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the thirtieth section of said act shall hereafter read as follows, to-wit: Section 30. The District Courts of the Twenty-ninth Judicial District shall be holden at the times as hereinafter provided: In the county of Washington on the first Monday of September, and may continue in session six weeks; on the first Monday in February, and may continue in session eight weeks; and on the first Monday in June, and may continue in session two weeks. In the county of Fayette, on the fourth Monday in April, and may continue in session two weeks; and on the first Monday in July, and on the first Monday in November, and may continue in session until the business is disposed of. That at the terms of said court commencing on the first Monday in June, and fourth Monday in April, the court shall hear matters of probate, the trial of criminal cases, the hearing of motions, and the trial of such civil cases as by the consent of parties may be tried. That all process of said courts issued, returnable to the terms thereof, shall be returnable to the terms herein prescribed.

Sec. 2. That if there be any person confined in jail and not indicted, a venire facias shall issue to the sheriff to summon a grand jury immediately, who shall be impaneled forthwith, to act as at other terms of court; and if a petit jury be needed in a civil or criminal case, one shall be summoned immediately, and shall be organized as at other terms of the court, for the trial of all civil and criminal cases submitted to them.

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Sec. 3. That this act take effect from and after its passage.

Approved May 14, 1873.

CHAPTER LIV.

An Act to provide for Supplying the Records of Lampasas County, destroyed by fire.

Whereas, the records of Lampasas county, were on the twenty-fifth day of December, 1871, destroyed by fire; therefore

Section 1. Be it enacted by the Legislature of the State of Texas, That all deeds, bonds, mortgages, powers of attorney, and conveyances of every description, which are required or permitted by law to be recorded, and which were so recorded in the records of Lampasas county, and which have been destroyed by fire with the records of said county, may be supplied by parol proof of the existence of such lost instrument of writing, and of the contents thereof; which proof shall be reduced to writing before an officer of the State of Texas having a seal, and authorized to administer oaths, and may be recorded in like manner as original papers; and when so recorded, may be used in evidence in any of the courts of this State, with like effect as the original paper might be. And all certified copies from the records of said county which have been destroyed by fire as aforesaid, may be registered in said county records in like manner as original papers; and when so registered may be used in evidence in any of the courts of this State, in the same manner and with like effect as the original papers might be.

Sec. 1 [2]. That this act take effect and be in force from and after its passage.

Approved May 14, 1873.

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CHAPTER LV.

An Act to Regulate the Practice of Medicine.

Section 1. Be it enacted by the Legislature of the State of Texas, That no person shall be permitted to practice medicine in any of its branches or departments in this State, as a means of livelihood, without first having attended a regular course of study and lectures at some regularly established and well accredited medical college, and received the degree of "Doctor of Medicine," or without having a certificate of qualification from some authorized board of medical examiners, as hereinafter provided.

Sec. 2. That every person heretofore engaged in the practice of medicine, in any of its branches or departments, in this State, shall, within twenty days after the organization of the "Board of Medical Examiners" for the county in which the person so practicing may reside or sojourn, furnish to the clerk of the District Court of such county, his "diploma" or certificate of qualification; and every person who may hereafter so engage in the practice of medicine in this State shall, within twenty days after entering upon such practice, furnish, in like manner, to the clerk of the District Court of the county in which such practicioner may sojourn or reside, his diploma or certificate of qualification; and said clerk shall enter the name of said person in a well bound book, kept in his office for that purpose, together with the time when, where, any by whom such diploma or certificate of qualification was given, after which he shall return the said diploma or certificate to the owner thereof. For which service said clerk shall be entitled to receive from each, any, and every such applicant, the sum of one dollar.

Sec. 3. That the county courts of the several counties in this State shall, at their first regular term after the passage of this act, or as soon thereafter as practicable, severally appoint a board of medical examiners for their respective counties, to be composed of not less than three practicing physicians of known ability, and graduates of some medical college, recognized by the American Medical Association, who shall, immediately after accepting such appointment, select one of their number president,

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and one as secretary, and adopt all necessary rules and regulations for their guidance and control in the examination of applicants for certificates of qualification as required by section one of this act. Any two of them shall have authority to grant certificates; provided, that in counties where no medical boards are formed, physicians practicing therein may apply to the nearest medical board to their respective counties, and if entitled to them, receive their certificates as in other cases. Such board of examiners shall be entitled to receive the sum of ten dollars for each and every such examination made, to be paid by the applicant or party so examined; and whenever a vacancy occurs in any of said boards, the same shall be filled by appointment by the County Court of the county in which such vacancy occurs.

Sec. 4. Said board shall meet regularly semi-annually, and shall give at least three weeks' public notice of such meetings, specifying the time and place of meetings; provided, that any member of any of said boards shall have authority to grant to an applicant a temporary license or certificate, upon examination, until the regular meeting of the board, at which time said applicant must apply for a thorough examination. Each and every one of said boards shall procure a seal as soon as practicable after the organization, which seal shall be impressed upon every certificate granted.

Sec. 5. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof, before any court having competent jurisdiction, shall be fined in any sum not less than fifty ($50) dollars nor more than five hundred ($500) dollars for every such offense; one-half of said fine to be paid to the prosecutor, and the other half into the county treasury; provided, that nothing in this act shall be so construed as to apply to those who have been regularly engaged in the general practice of medicine in this State, in any of its branches or departments, for a period of five consecutive years in their respective counties; nor to females who follow the practice of midwifery strictly as such.

Sec. 6. That this act take effect six months from and after its passage.

Passed May 16, 1873.

[Note.—The foregoing act was presented to the Gover-

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nor of Texas for his approval on the nineteenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law wihout his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LVI.

An Act to be entitled An Act for the Protection of the Farming Interest of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That every person shall make a good fence around his or her lands, used or cultivated; provided, it shall not be necessary to fence against the incursions of sheep, goats or hogs.

Sec. 2. When any trespass shall have been committed by any stock, on any cleared and cultivated lands or crops so fenced, of any person or persons within this State, it shall be lawful for such person or persons, to bring his, her or their suit for damages against the owner or owners of such stock, in any court in this State of competent jurisdiction, and recover as in other suits for damages.

Sec. 3. If any person, whose fence is insfficient, under this act, shall with guns, dogs, or otherwise maim, wound or kill any cattle, or any horse, mule, ass or jennet, or cause or procure the same to be done, such person or persons so offending, shall make full satisfaction to the party injured, for all damages by such person or persons sustained, to be recovered as in other suits for damages; provided, that this section shall not be so construed as to authorize any person to maim, wound or kill any of the animals above specified, belonging to another, under any circumstances.

Sec. 4. It shall not be lawful hereafter, for any sheep, goat or hog, to run at large within the State, but the owner or owners thereof, shall be required to keep the same up in inclosures, or under herds; and should any such sheep, goat or hogs be found running at large in, about or near the cultivated or enclosed land or premises

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of any other person, such person or persons are hereby authorized to take up and pen such sheep, goats or hogs, and notify the owner thereof, if known, and if not known, shall within twenty-four hours thereafter, post up a descriptive list or advertisement thereof, giving number, kind, color and marks, in at least five of the most public places within five miles of where said animals are penned, notifying all persons that at a time and place to be stated in said advertisement, not less than ten days thereafter, that such stock will be sold; and the taker-up is hereby required to take such care of the animals so taken up by him, as a careful person would ordinarily take of his own stock so penned.

Sec. 5. If at the end of not less than ten days thereafter, and at a time and place named in said advertisement, the owner or owners thereof do not come forward and pay the taker-up all reasonable compensation and expenses incurred in taking up and caring for said animals, then the same shall be sold at the place so penned, at the time named in said advertisement, by the taker-up, to the highest bidder for cash in hand, and after deducting from the proceeds of said sale the actual value of the food or pasturage consumed by said sheep, goats and hogs, to be certified to be due him, by two disinterested and respectable farmers or freeholders of the county, and deliver the balance, if any, with said certificate and a copy of said advertisement, to the county treasurer, whose duty it shall be to keep said certificate and advertisement on file in his office, and keep said money in a separate fund, to be called the stock fund, for the space of one year after the same has been paid into his office, after which time the same shall be transferred to the general county fund. That at any time during said year, and not thereafter, any person or persons, furnishing said county treasurer with satisfactory proof that he, she, or they were the owners of such stock so sold, said county treasurer shall pay over the proceeds of such sale in his hands to such claimant, after deducting the usual commissions allowed said treasurer for receiving and paying out moneys.

Sec. 6. That hereafter, if any person or persons shall willfully permit any of their sheep, goats or hogs to run at large in this State, such person or persons, upon conviction thereof by any court of competent jurisdiction, shall

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be fined in any sum not less than ten dollars for every animal so permitted to run at large; provided, that this act shall not be put in force in any county in this State until three-fifths of the votes cast at an election held in said county for that purpose, shall vote in favor of putting this act in full force.

Sec. 7. It shall be the duty of the presiding justice of the peace, of any county in this State, whenever fifty or more freeholders of his county shall petition therefor, to issue an order for an election, to take place in the several voting precincts of his county, at a time named in said order not less than thirty days after the date thereof. That said election shall be carried on as in cases of the election of county officers; and the voter desiring to put this act in operation in his county, shall place upon his ballot the words "For the stock law," and those opposed to it shall place upon their ballots the words "Against the stock law;" provided, that this section shall not be so construed as to permit the vote to be taken to put this act in force in any county in this State at any time during the year in which a general election is held, unless the same be had upon the day or days of such general election.

Sec. 8. It shall be the duty of the person or persons holding said election, to make due return of all the votes at the several voting precincts in said county, for and against said proposition, to the presiding justice of the peace of said county, whose duty it shall be, in the presence of the district clerk, and at least two other justices of the peace, or other respectable citizens of the county, chosen by him to foot up said returns, and ascertain the result of said election; and if three-fifths of the votes cast at said election, shall vote in favor of the proposition, then it shall be the duty of the presiding justice of the county to issue his proclamation declaring the result of said election, which proclamation shall be published in the county paper (if there be one) for one week, and shall also be posted up at the court house door, and at least one public place in each justice's precinct in the county; and said election and proclamation shall have the force and effect to put this act in full operation in said county on and after the twenty-fifth day of December next after the date of said election.

Sec. 9. That if at any such election the proposition shall be defeated, the vote shall not again be taken in

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said county during the same year, but at any time after said year the proposition may be again presented and voted upon for said county, or a sub-division thereof, the limits of which sub-division shall be set out in the order for the election; provided, that the following named counties, together with those composing the Thirtieth Senatorial District, shall be excluded from the operation of this law, to-wit: Jefferson, Orange, Hardin, Tyler, Jasper, Newton, Sabine, San Augustine, Anderson, Nacogdoches, Shelby, Panola, Rusk, Smith, Henderson, Van Zandt, Raines, Wood, Upshur, Harrison, Marion, Cass, Titus, Hopkins, Delta, Harris, Montgomery, Angelina, Trinity, Washington, Parker, Palo Pinto, Johnson, Erath, Hood, Caldwell, Grimes, Walker, Madison, San Jacinto, Titus[1], Cherokee, Houston, Brazoria, Matagorda and Bowie.

Sec. 10. That all acts and parts of acts in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Passed May 16, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the twentieth day of May, A. D. 1873, and not signed by him, or returned to the House in which it orignated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LVII.

An Act making an additional appropriation to pay the per diem and and mileage of Witnesses in the case of the Impeachment of Judge John G. Scott, and other expenses incident to said case.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the State

[1] Repetition in enrolled bill.

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Treasury not otherwise appropriated, to pay the balance of the per diem and mileage due to witnesses in the case of the impeachment of Judge John G. Scott, and such other expenses incident thereto as may be still unpaid. And that this act take effect and be in force from and after its passage.

Approved May 17, 1873.

CHAPTER LVIII.

An Act to amend Article 766 of the Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 766 of the Penal Code be, and the same is hereby amended so as to hereafter read as follows:

"Article 766. If any person shall steal any cattle he shall be punished by confinement in the penitentiary not less than two nor more than five years.

"Article 766*a*. If any person shall steal any sheep, hog or goat, he shall, if the value of the property stolen is twenty dollars or over, be punished by confinement in the penitentiary not less than two nor more than five years. If the value of the property is under twenty dollars, he shall be punished by imprisonment in the penitentiary for not less than one nor more than two years."

Sec. 2. This act to take effect and be in force from and after its passage.

Approved May 17, 1873.

CHAPTER LIX.

An Act making an Appropriation for the Payment of the State Police and Employees.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the payment of the

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State police and employees, up to the twenty-first day of April, 1873.

Sec. 2. That the certificate of the Adjutant General shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and draw his warrants upon the Treasurer for the respective amounts.

Sec. 3. That this act take effect from and after its passage.

Approved May 17, 1873.

CHAPTER LX.

An Act making an Appropriation to carry into effect "An Act authorizing Quarantine on the Coast of Texas, and elsewhere within the State," approved June 10, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of nine thousand dollars be and the same is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of "An act authorizing quarantine on the coast of Texas and elsewhere within the State," approved June 10, 1870; provided, this appropriation is made for the year 1873.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 19, 1873.

CHAPTER LXI.

An Act Regulating Juries.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter all qualified voters of the State of Texas shall be qualified jurors of their respective counties; provided, that every person who has been, or may hereafter be convicted of any theft or felony shall be excluded from serving on juries; and provided further, that in the meaning of this act, all persons are qualified

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voters who possess the necessary qualifications to register as a voter, whether registered or not.

Sec. 2. Each County Court shall immediately after the passage of this act prepare a jury list, comprising the names of all qualified jurors of their respective counties, which said list shall be recorded by the clerk of the District Court in a well bound book to be kept in his office for that purpose. And it shall be the duty of the several county courts of this State to revise the jury list of their respective counties, at least once every six months thereafter.

Sec. 3. That within twenty days after the end of each term of the District Court, or at the first session of the County Court, if there be a session thereof within twenty days after the adjournment of the District Court, it shall be the duty of the County Court, and the district clerk of such county, to select from said jury list the names of twenty good, intelligent and practical citizens to serve as a grand jury at the next ensuing term of the District Court.

Sec. 4. It shall be the duty of the County Courts to place tickets with the names of all qualified jurymen thereon, separately in a suitable box, to be designated "jury box number one," and at the same time they select the grand jury. The County Court shall draw from said jury box number one the names of not more than twenty-four persons to serve as petit jurors for each week provided by law for the holding of the District Court for their county; and as the jurymen are so drawn, the tickets upon which their names are written, shall be placed in a suitable box to be designated as "jury box number two;" provided, that this section shall not be so construed as to require the County Courts to draw more than one petit jury for each week provided by law for holding the District Courts for their counties, if they think best. And said boxes after such drawing shall be sealed up and turned over to the clerk of the District Court, who shall securely keep the same in his office, and for the proper preservation of which said clerk shall be held responsible.

Sec. 5. In drawing the petit jury as herein provided, it shall be the duty of the County Courts, whenever the name of any person is drawn who is known to be absent from the county, or so disabled that he can not serve as a

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juror at the next term of the court, to return the ticket so drawn to jury box number one, and draw other name or names to make up the full number required by the fourth section of this act.

Sec. 6. It shall be the duty of the clerk of the District Court, immediately after the drawing of the jurors as herein provided, to issue a venire facias, directed to the sheriff or any constable of the county, and which said venire shall be executed as now required by law.

Sec. 7. In any civil suit in the District Court, each party shall hereafter be entitled to challenge six jurors without showing any cause therefor.

Sec. 8. The following persons are exempt from serving on juries, viz: all Federal, State and county officials; all ministers of the gospel regularly engaged in supplying congregations; all school teachers while regularly engaged in teaching; all post masters, millers, practicing physicians, and attorneys at law; all members of organized fire companies actively engaged in the performance of their duties.

Sec. 9. That an act entitled "An act further regulating juries," approved December 1st, 1871, and all other acts and parts of acts in conflict with this act, be and the same are hereby repealed.

Sec. 10. That this act take effect and be in force from and after its passage.

Passed May 19, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-sixth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LXII.

An Act to Prevent Horse Racing in certain places.

Section 1. Be it enacted by the Legislature of the State of Texas, That horse racing shall consist in the

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trial of the speed of one or more animals of the horse species.

Sec. 2. That it shall not, hereafter, be lawful for any person, or persons, to run, or be concerned in running, any horse race in, along, or across, any public square, street or alley, in any city, town or village, or in, along, or across, any public road within this State; and any person thus offending shall, upon conviction before any court of competent jurisdiction, be punished by fine in any sum not less than twenty-five, nor more than one hundred dollars, for each offense.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved May 19, 1873.

CHAPTER LXIII.

An Act to establish and maintain a system of Public Free Schools in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That at the next general election to be held in this State, and every four years thereafter, there shall be elected by the qualified electors of the State, a Superintendent of Public Instruction, who shall hold his office for the term of four years, and until his successor is duly elected and qualified. In case of vacancy in the office of Superintendent of Public Instruction, it shall be filled by appointment of the Governor, to be confirmed by the Senate, until the next general election.

Sec. 2. Before entering upon his duties, he shall take and subscribe the oath of office prescribed by the Constitution, and shall also execute a bond in the penalty of fifty thousand dollars, payable to the State of Texas, with securities to be approved by the Governor, conditioned for the prompt discharge of his duties as Superintendent of Public Instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands, or be subject to his order by virtue of his office; said bond and note shall be deposited with the Secretary of State, and an action may be maintained thereon by the State at any time for a breach of the

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conditions thereof, and said superintendent shall be subject to impeachment, trial, punishment and removal from office as other State officers. He shall also be removed by the Governor on the address of two-thirds of the members elected to each house of the Legislature, for the same causes and in the same mode as affect judges of the Supreme and District Courts.

Sec. 3. It shall be his duty to keep an office at the seat of government of the State, in some of the public buildings belonging thereto, and to file all papers, reports and public documents transmitted to him by the school officers of the several counties each year, separately, and to keep and preserve all the public documents, books and papers relative to schools, coming into his hands as Superintendent of Public Instruction, and to hold the same in readiness to be exhibited to the Governor, or to any committee of either house of the Legislature, and shall keep a fair and correct record of all matters pertaining to the business of his office, and shall turn over to his successor said office, together with all the records, books, archives and documents that have come into his possession.

Sec. 4. He shall counsel and advise, in such manner as he may deem advisable, with experienced and practical school teachers, as to the best manner of conducting public free schools.

Sec. 5. Said Superintendent of Public Instruction shall have the supervision of all the public free schools in the State, and shall be the general adviser and assistant of county superintendents of schools in this State. He shall, from time to time, as he shall deem for the interest of schools, address circular letters to said county superintendents, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, examining and procuring competent teachers.

Sec. 6. The Superintendent of Public Instruction shall, on or before the first day of December preceding each regular session of the Legislature, report to the Governor the condition of the schools in the several counties of the State, the whole number of schools which have been taught in each county in the current year, the number of pupils in attendance at said schools, the number of persons in each county over six and under eighteen years of age, the amount of interest of the public school

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fund and of the county fund annually paid out, the amount raised by an ad valorem tax, the whole amount annually expended for schools, the number of school houses, their kind and condition, the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, and the number and condition of the libraries, together with such other information and suggestions as he may deem important in relation to the school laws, schools, and the means of promoting education throughout the State, which report shall be laid before the Legislature the first week of each regular session. Whenever said reports are ordered published the State Printer shall furnish two thousand (2000) pamphlet copies, and deliver them to the Superintendent of Public Instruction, who shall deposit twenty copies in the State Library, furnish one copy to each county superintendent, to be held by him as public property, and delivered to his successor in office; one copy shall be sent to the State Library of each State and Territory, and the remaining copies be sent to the boards of school directors of each county for distribution among trustees and teachers.

Sec. 7. The Superintendent of Public Instruction shall furnish to the county superintendent all forms, blanks, etc., as he shall deem necessary in making reports, and for any other uses of the public free schools, including certificates for teachers. He shall also cause to be printed by the State Printer, in pamphlet form, all school laws, regulations, and forms for making reports, etc., for distribution to the county superintendents, teachers and trustees.

Sec. 8. Said Superintendent of Public Instruction shall have power to direct and cause the county superintendent of any county, directors, or other school officers, to withhold from any officer or teacher any part of the public school or other school fund, until such officer or teacher shall have made all schedules, reports and returns required of him by this act, and until such officer shall have executed and filed all official bonds, and accounted for all public school or other school funds which have come into his hands, as required of him by this act.

Sec. 9. It shall be the duty of the Superintendent of Public Instruction, upon receipt of the reports of the State Comptroller, as required in this act, to apportion to the

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counties the amount of the school fund to be apportioned to each county, and furnish an abstract of such apportionment to each county treasurer, county superintendent and the State Comptroller, and shall draw his order on the Comptroller, in favor of each county treasurer, for the amount of school fund to which each county is entitled, and shall take each treasurer's receipt for the same.

Sec. 10. The Superintendent of Public Instruction shall perform all other duties required of him by the Constitution, and shall receive an annual salary of three thousand dollars ($3000), and all necessary contingent expenses for books, postage and stationery pertaining to his office. He shall be allowed one clerk, at a salary of one thousand eight hundred dollars ($1800) per annum.

Sec. 11. The State Comptroller shall keep a correct abstract of the scholastic population in the different counties in the State; a separate and distinct account of the school fund and of the interest and the income thereof, from any source whatever. He shall, on or before the first day of June, and the first day of December, of each year, report to the Superintendent of Public Instruction, making a complete exhibit of the school fund, of the moneys in the treasury subject to apportionment, and the several sources from which they accrued, which report shall be included in the reports of the Superintendent of Public Instruction. He shall draw his warrants on the State Treasurer in favor of any county treasurer, whenever such treasurer shall present the order drawn by the Superintendent of Public Instruction in favor of such county, duly indorsed by said county treasurer.

Sec. 12. The Treasurer of the State shall be ex officio treasurer of the State school fund, whose duty it shall be to receive and hold, as a special deposit, all school moneys, and shall keep a correct account of the several sources from which they accrued, and shall report to the Governor annually the condition of the school fund and the manner of its disbursement; he shall pay out the school funds whenever applied for, only on the warrant of the State Comptroller, issued on the order of the Superintendent of Public Instruction, which orders, duly indorsed by the county treasurer, shall be the only valid vouchers in the hands of the State Comptroller for the disbursement of the school moneys. No mileage or allowance of any kind shall be made to any county treasurer for receiving said school moneys and transporting them to his county.

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Sec. 13. At the first general election, and every four years thereafter, there shall be elected in each and every county in the State, five school directors, one of whom shall reside in each magistrate's precinct, who shall hold their offices until their successors are elected, and they shall constitute the county board of school directors; and should a vacancy occur in said board of directors, it may be filled by election. They shall elect from themselves a president, and the sessions of said board shall be at the county seat, and he shall be ex officio county superintendent of public instruction; and the county boards of directors, now acting in the several counties, shall perform the duties of the county boards of directors provided for in this section, until the first general election; and where such school directors have resigned, or declined to serve, the County Court shall appoint their successors until the next general election, one to reside in each magistrate's precinct, as required by this act.

Sec. 14. The county board of directors shall divide their respective counties into school districts of convenient size, and number the same, and they shall so arrange them that every school district shall be wholly within some one magistrate's; and said county board of directors shall order elections in each school district, for a board of school trustees, as hereinafter provided.

Sec. 15. On the last Saturday of each month, the county superintendent shall meet all persons desirous of passing an examination for a certificate to teach, in some suitable room provided for that purpose, at the county seat, at which time he shall examine all such applicants as to his or her competency and ability to teach orthography, reading in English, writing, arithmetic, geography, English grammar, history of the United States, practical physiology and the laws of health; and no person shall be entitled to a certificate unless he or she is of good moral character, and is well qualified to teach the above named branches; and as compensation for such service, he shall be allowed to charge each applicant the sum of three ($3) dollars for such examination.

Sec. 16. On or before the first Monday of November, before each regular session of the Legislature, county superintendents shall communicate to the Superintendent of Public Instruction all such information and statistics upon the subject of schools in their counties, as the said Super-

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intendent of Public Instruction is bound to embody in his report to the Governor, and such other information as said Superintendent of Public Instruction shall require; and any county superintendent so failing or refusing to report shall be liable to removal by the County Court for such neglect of duty.

Sec. 17. The county superintendent may, when the convenience of the scholastic population requires it, allow such scholastic population to attend the schools in the adjoining districts; and for this purpose may, when necessary, establish schools near the line of adjoining districts, for the benefit of the scholastic population living remote from the schools in their respective districts; provided, that any parent or guardian shall have the right to send his, her, or their child or children to any school in any other district or county than that in which such parent or guardian may reside, and shall be entitled to the same school fund to which he, she or they are entitled in the district or county of their residence; and the transfer of such child or children, as above authorized, shall not change the place of their enumeration.

Sec. 18. County boards of directors shall define the course of study in the public schools in their respective counties, and direct the class and kind of school books and apparatus to be used therein; and shall prescribe the duties of the trustees and teachers, not inconsistent with the Constitution and laws of the State and United States.

Sec. 19. The county board of directors may be called together by the president of the board whenever there is business for said board, and they shall be allowed four dollars each per day for every whole day so employed; provided, that the whole number of days so employed during the first year shall not exceed twenty days, and thereafter they shall not be so employed exceeding ten day in any one year; and the county superintendent shall be allowed four dollars per day for every whole day actually employed as county superintendent, other than examining teachers; provided, that he shall not receive such pay for over thirty days in any one year. Accounts of county superintendents and school directors, for services rendered, shall be itemized and sworn to by the party interested, and shall be paid by the county treasurer, upon the order or warrant of the Superintendent of

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Public Instruction, out of the public school fund apportioned to the county.

Sec. 20. On the first Tuesday of September of each year there shall be elected, by the qualified voters in each school district in the State, three trustees, who shall hold their office for one year, and until their successors are elected and qualified. Ten days' notice of the election for trustees shall be given, which notice shall be posted in at least three public places in the district, and shall specify the place where the election is to be held, and the time of opening and closing the polls; and said election shall be held between ten o'clock A. M. and four o'clock P. M. Should no election be held, or should there be a vacancy for any cause, the county board of directors shall appoint the trustees until the next election; said three trustees shall constitute the board of trustees for the school district, and shall select from themselves a president.

Sec. 21. The county board of directors shall give ten days' notice of all elections held in school districts, which notice shall state the object of the election; and they shall appoint some suitable person living in the district, who, with such assistants as they may select, shall hold the election, and make due return thereof to the county board of directors.

Sec. 22. The board of school directors of each county shall require of the trustees of each school district, immediately after their election, to take the scholastic population of the district, making separate lists of the white and colored children. Said board shall also require said trustees to provide the necessary schools and school houses for the scholastic population of the respective districts, separating the children, and so arranging the schools and school houses that good order, peace and harmony may be maintained in the schools. Said trustees shall employ competent teachers for all the schools in their respective districts, and see that the schools are taught and properly conducted for at least four months in the year; provided, the free schools may continue for a longer period than four months, if the amount of the school fund is sufficient, or if the citizens of the district, or sub-district, by payment of tuition or subscription, will supply the deficiency; and if the income derived from the public school fund apportioned to the school

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district shall in any district not be sufficient for this purpose, the board of directors shall levy an ad valorem tax upon all taxable property in said district, sufficient to supply the deficiency.

Sec. 23. An ad valorem tax for the scholastic year commencing September 1, 1873, of twenty-five cents upon each one hundred dollars of taxable property, is hereby levied for the purpose of building and repairing school houses, which shall be collected in the same manner as other taxes are collected, in the several school districts of the several counties; provided, that this tax, or any portion thereof, may be relinquished (before collection) to the tax payers of any district by the board of directors, upon information from the board of trustees of said district that no such tax is necessary; and provided further, that the tax herein provided for shall not go into the public school fund, but shall be expended in the district in which it may be collected; and provided further, that no district shall be taxed for the building or repairing of school houses situate in any other district; and provided further, that this tax shall not be collected in any district wherein no public free school is established, or proposed to be established.

Sec. 24. The trustees shall annually, at such time as required by the county superintendent, report to that officer all the facts, data and statistics in reference to the public free schools in their respective districts, that are necessary for the county superintendent to have, in order to make his annual report to the Superintendent of Public Instruction.

Sec. 25. No person shall be employed as a teacher in the public schools unless he or she holds a certificate from the county superintendent to the effect that he or she is a person of good moral character, and qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, history of the United States; provided, nothing in this act shall be so construed as to prohibit instruction in the German, French, Spanish, or any other language.

Sec. 26. Every teacher of a public free school shall keep a record of the names of students attending school, their age, district in which they live, daily attendance, the names of parents or guardians, and shall make a monthly report on the last Friday in each month of the number of

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students and daily attendance during that month, and forward it to the county superintendent at the end of the four months required by law to be taught. He or she shall make a report to the county superintendent, embracing all the information required to be kept on his record, including the number of days each student has been present in school; and when the school taught embraces scholastic population from two or more school districts, the teacher shall make a separate reports for each school district. He shall teach every day (Saturdays and Sundays excepted) as many as six hours, excluding hours of recreation.

Sec. 27. All the scholastic population of the State shall be required to attend the public free schools at least four months in each year, unless prevented by ill health, feeble physical constitution, or by reason of danger from hostile Indians, or by the prevalence of any contagious or infectious disease. And no child under ten years of age shall be compelled to attend the public free schools, when there is no school established within one mile of the residence of said child, and no child shall be so required unless there is a school within two miles; provided, that when any of the scholastic inhabitants may be shown to have received regular instruction for four months in each and every year, from any private teacher having a proper certificate of competency from the county superintendent, or from the president, principal or faculty of any incorporated seminary, college or university in this State, authorized to confer degrees, this shall exempt them from the requirements of this section. But all of the scholastic inhabitants failing to attend the public free schools, except for causes heretofore specified, shall forfeit their interest in the public school fund for the time they so fail to attend the public schools; provided, that the board of trustees of any school district may adopt any private school established in their district when the teachers of such school shall have obtained a certificate of competency, and shall conform to the general regulations of this act.

Sec. 28. The scholastic year shall commence on the first day of September of each year, and end on the thirty-first day of the following August.

Sec. 29. The public free schools shall be taught for four consecutive months in each scholastic year, at such

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time as the trustees of each school district may determine; provided, that in school districts where the public free schools have already been taught for four months during the present current scholastic year, that shall be considered a compliance with the requirements of this act; and when such schools have already been so taught for a less time than four months, it shall be considered a compliance pro tanto with the requirements of this act.

Sec. 30. The available school fund liable to appropriation for the support of public free schools is hereby declared to be, all interest which has accrued, or may hereafter accrue, to the school fund from railroads or otherwise, since the thirtieth day of March, 1870, one-fourth of all the ad valorem and occupation taxes assessed since that date, and such other taxes as have been or may be provided by law for the support of the public free schools, and all sums of money that may come to this State from the sale of any portion of the public domain of the State of Texas. Accounts against this available school fund shall be paid, as hereinafter specified, out of any part of it that may be in the state or county treasury, on appropriation therefor by the Legislature.

Sec. 31. The Superintendent of Public Instruction shall apportion the public school fund among the several counties according to their respective scholastic population; and the county superintendent shall apportion the public school funds of his county among the several school districts thereof, according to their respective scholastic population.

Sec. 32. If the public school fund apportionment to any particular district shall not be sufficient to employ competent teachers for the public schools organized in said district for four months in each year, the county board of directors shall levy and collect an ad valorem tax upon all the taxable property in said district, as shown by the assessment rolls made out by the justices of the peace or other assessing officer, sufficient to supply the deficiency; and in order that this may be done, the justices of the peace, in making their regular assessment of taxes, shall assess the property of the inhabitants of each school district separately.

Sec. 33. The taxes collected in the several school districts under the provisions of this act, by the county board of directors, and also the money hertofore col-

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lected and paid over to the county school boards, or the treasurer of such boards, and not paid out before the passage of this act, shall be paid into the county treasury, and the treasurer shall keep a separate account thereof for each school district.

Sec. 34. The county treasurer shall be allowed one per cent. commission on all moneys paid in the county treasury, belonging either to the public school fund or the district school fund; and he shall, before receiving any part of the school fund, execute to the County Court an additional bond, to be approved by and payable to the County Court of the proper county, in double the amount of the public school fund apportioned to the county, conditioned that he will faithfully receive and disburse all such funds as may come into his hands as the treasurer of the school fund.

Sec. 35. The accounts of teachers of the public schools shall be approved by the president of the board of trustees of the district in which the school is taught, and shall be paid by the county treasurer upon the order or draft of the county superintendent; and such accounts, so approved and ordered to be paid, shall, when paid, be proper vouchers for the county treasurer upon settlement of his accounts with the school fund.

Sec. 36. That an act entitled "An act to establish a system of public free schools for the State of Texas," approved August 13, 1870, and "An act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871, and all laws and parts of laws in conflict herewith, are hereby repealed; provided, that the repeal of the said acts shall not affect in any way the legal liability of any person to pay any taxes claimed to be due for the year 1871, under either of them.

Sec. 37. That when in any school district the provisions of this law are impracticable, by reason of sparsity of population, or danger from Indians, sickness, or other good cause, the amount to which any such district is entitled, out of the general school fund, shall remain in the State treasury to the credit of such district [until] the increase of population, or subsidence of such danger, shall render it practicable to maintain public schools in such district; provided, that if during the times of such suspension of the public schools in any district, any portion

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of the scholastic population thereof shall attend a private or public school, they shall be entitled, under the provisions of this act, to receive their pro rata portion of such fund; and provided, further, that the provisions of section twenty-two of this act, requiring the board of directors to levy an ad valorem tax, shall not apply to such district, while public schools are suspended therein from such cause.

Sec. 38. That in any case where it may become desirable in any school district to have a high school taught, any principal of such high school shall have the privilege of blending the free school with the private school, by the consent of a majority of the trustees of the former, said principal agreeing and contracting with said trustees to teach the children within the scholastic age, and said principal shall have the right to receive into his school and instruct any number of students who are over the scholastic age, at such rates or [of] tuition as he may prescribe, and his patrons consent to pay, to the end that high schools may be established, with authority to confer degrees, or give certificates of merit and scholarship; provided, said high school shall be under the control and supervision of the county board of directors.

Sec. 39. That this act shall take effect and be in force from and after its passage.

Passed April 30, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of May, A. D. 1873, and returned by him to the house in which it originated, with his objections thereto, and was passed by a two-thirds vote by both houses of the Legislature, and returned to the office of the Secretary of State on the twenty-third day of May, 1873.—James P. Newcomb, Secretary of State.]

CHAPTER LXIV.

An Act to confer Additional Jurisdiction on the Presiding Justices of the Peace of Lamar and Fannin counties, and to prescribe the powers and duties of the Officers of said Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That at the next general election, and

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every four years thereafter, the presiding justices of the peace in the counties of Lamar and Fannin, who is required to reside at the county seat, shall be elected by the qualified voters of the county, and he shall hold his office until his successor is elected and qualified.

Sec. 2. Said presiding justices shall, in addition to the jurisdiction now conferred on them by law as justices of the peace within their respective precincts, also have concurrent jurisdiction with the District Courts, co-extensive with the limits of their respective counties, in all civil matters cognizable in the District Courts, where the amount in controversy exceeds one hundred dollars and does not exceed one thousand dollars, exclusive of interest; provided, that said presiding justices shall not try any questions affecting titles to land, nor have power to foreclose mortgages, nor enforce vendors liens on real estate, nor grant divorces, writs of injunction, mandamus, or prohbition; but they shall have power to issue writs of attachment, sequestration, and distress warrants. And said presiding justices, in addition to the criminal jurisdiction now conferred on them by law within their respective precincts, shall also have concurrent jurisdiction with the District Courts, co-extensive with the limits of their respective counties, over all offences of a less grade than felony.

Sec. 3. There shall be elected at the next general election, and every four years thereafter, in each of said counties in the State, a county attorney, who shall hold his office until his successor is elected and qualified. The election of said county attorney shall be ordered by the County Court of the county, and shall be held in accordance with the law regulating elections for county officers.

Sec. 4. Prosecutions, for misdemeanors, before said presiding justices may be commenced by information filed by the county attorney, based on affidavit of some citizen charging some offence against the law, and upon application of the county attorney, the presiding justice shall issue subpoenas and attachments to bring persons before said attorney, who shall take their sworn statements when he has reason to believe that such persons have knowledge of offences having been committed; and said county attorney is authorized to administer oaths, and persons refusing to testify before him may be reported to the presiding justice and held in contempt of

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court. Said county attorneys shall be allowed the same fees now allowed by law to district attorneys for similar services; and said county attorneys shall be allowed such annual salary as the County Court may see proper to allow, not to exceed three hundred dollars.

Sec. 5. All persons prosecuted before said presiding justices, under this act, shall be entitled to a trial by jury of twelve men, as prescribed by law in such cases; but in civil cases the presiding justice shall try issues of both law and fact, unless some party interested demands a jury and pays jury fee of five dollars before the trial proceeds, to be taxed as a part of the costs.

Sec. 6. The right of appeal to the District Court in all cases tried before said presiding justices, shall be allowed in accordance with the existing laws regulating appeals, and the cause shall be tried de novo in the District Court. And neither party shall be debarred from the right of appeal from the District Court to the Supreme Court, in the cases in which jurisdiction is herein conferred, which appeal shall be regulated by existing laws in reference to appeals from the District Courts to the Supreme Court of the State.

Sec. 7. The existing laws regulating proceedings in justices' courts shall govern presiding justices in the exercise of the jurisdiction herein conferred, when not in conflict with the provisions of this act; and pleadings shall be in writings by petition and answer, and controlled by the practice in the District Courts, as far as applicable, except that the answer shall be filed on the first day of the term, and it shall not be necessary to serve a copy of the petition on the defendant. And said presiding justices, in addition to a docket, shall keep a minute of the proceedings of their courts, on which shall be entered in regular order all the judgments and orders of the court; and each presiding justice shall be the clerk of his own court, and shall receive for his services such fees as justices of the peace and dictrict clerks receive for similar services.

Sec. 8. Said presiding justices shall dispose of the civil business on their dockets at the regular monthly terms, as now fixed by law; and their courts shall always be open for the trial of criminal causes.

Sec. 9. Process issued by said presiding justices may

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be executed by the sheriff, his deputies, or any constable in the county.

Sec. 10. That this act shall take effect from and after the next general election in this State.

Passed May 26, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LXV.

An Act to Amend and Supplemental to "An Act to Provide for the Incorporation of Towns and Cities," Approved January 27th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections one, two, three and four of the above recited act of January 27th, 1858, be and are hereby so amended as to read as follows:

"Section 1. That where a village or town may contain a population of two hundred souls, it may be incorporated as a town, in the manner prescribed by this act.

"Sec. 2. If the inhabitants of any such village or town desire to be so incorporated, in order to become so, at least twenty persons resident therein, who are otherwise qualified voters of the State of Texas, shall file an application for that purpose in the office of the county (now called district) clerk of the county in which such town or village may be situated, stating the boundaries of the proposed town, and the name by which it is to be known, if it be incorporated.

"Sec. 3. If it be shown by a certificate of the justice of the peace of the precinct wherein such town or village is situated, that the limits proposed do contain a population of at least two hundred souls, which certificate must be filed in the district or county clerk's office as aforesaid, then and in that case it shall be the duty of the presiding justice of the County Court of such county to order an

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election on a day and at a place within the proposed town limits, for the purpose of submitting the question to a vote of the qualified voters within said proposed limits.

"Sec. 4. That the presiding justice, in such order, shall appoint some credible qualified voter residing within the proposed town limits, to preside at such election, who shall select two managers and two clerks to assist in holding it. Said notice shall be posted at three public places within said proposed limits for at least ten days prior to the election; and the election shall be held, in other respects, according to the laws of the State regulating elections in force at the time so far as the same may be applicable."

Sec. 2. That all the duties required to be performed by the chief justice of the county, by the act to which this is supplementary, shall be performed, until otherwise provided by law, by the presiding justice of the County Court. Should the laws be hereafter changed so as to create the office of chief justice of a county, or any office similar thereto, then, and in that case, the duties by said act imposed by said act of January 27th, 1858, shall be performed by such officer.

Sec. 3. That section twenty-four of the act of January 27th, 1858, to which this act is supplemental, be, and is hereby repealed.

Sec. 4. That, whereas, when the act of January 27th, 1858, to which this is supplemental, was enacted, the elective franchise was conferred upon upon only a portion of the male population over twenty-one years of age, it is hereby distinctly declared that this right, under the intent and meaning of this act, pertains to all legal voters of the State of Texas under the Constitution of the State, without distinction of race, color, or previous condition; provided, such voters shall have resided within the proposed limits for at least six months next preceding an election.

Sec. 5. That section thirteen of the said act to provide for the incorporation of towns and cities shall hereafter read as follows: "Sec. 13. The mayor, aldermen, and all other officers elected at the first election under this act, regardless of the time of such first election, shall hold their offices until their successors shall have been duly elected and qualified at the next succeeding annual election, according to the provisions of section fourteen of said act, as hereinafter amended by this act."

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Sec. 6. That section fourteen of said act shall hereafter read as follows: "Sec. 14. That the annual election for officers of all towns and cities incorporated under the provisions of this act, shall take place on such day as may be fixed by law for municipal elections throughout the towns and cities of the State. Should no such uniform day be fixed, then the elections herein provided for shall take place on the first Tuesday in April of each and every year. The mayor, or in case of his inability or refusal to act, any two aldermen, shall order each such annual election, by notices posted, for at least ten days, at three public places within the corporate limits. The returns of such election shall be made to the town or city council, and certificates of election given by the mayor, or person acting as such, to the persons elected to the various offices for such corporation.

Sec. 7. That all laws inconsistent with this act be and are hereby repealed, and that this act shall take effect from and after its passage.

Approved May 26, 1873.

CHAPTER LXVI.

An Act prescribing the times of holding General Elections in this State.

Section 1. Be it enacted by the Legislature of the State of Texas, That on the first Tuesday in December, A. D. 1873, and on the first Tuesday in December (every two years thereafter), there shall be held a general election for ninety members of the House of Representatives, and thirty Senators, and all State, district and county officers, elective under the Constitution and laws of the State, to fill such offices as may be vacant at the date of such election, or which will become vacant before the next succeeding general election; provided, that at each biennial election as above provided, after the first Tuesday in December, 1873, there shall be elected only one-third of the whole number of Senators, as their respective terms may expire, until the next apportionment shall have been made.

Sec. 2. That at the election held on the first Tuesday in December, 1873, there shall be elected a Governor, a

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Lieutenant Governor, a Treasurer, a Comptroller of Public accounts, a Superintendent of Public Instruction, a Commissioner of the General Land Office, thirty Senators and ninety members of the House of Representatives, in the Legislature, five justices of the peace in each organized county in the State, one county treasurer, one county surveyor, one sheriff, and one clerk of the District Court in each organized county in this State, in which there shall be at the date of such election, or will be before the period of the next succeeeding general election, a vacancy in any of such offices.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved May 26, 1873.

CHAPTER LXVII.

An Act for the Benefit of Actual Occupants of the Public Lands.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person who has occupied, or shall occupy any portion of the public domain as a homestead, under any previous or existing law, shall have the same surveyed, and the field notes returned to the Land Office within twelve months after settling upon the same, or as provided in section two of this act; and such person, or his assignee or assignees, shall be entitled to a patent therefor, upon filing in the Land Office an affidavit to the effect, that such person, or his assigns, have occupied and improved said lands for three years, in good faith, and has complied with the requirements of this act, and paid all fees, which affidavit shall be corroborated by the affidavits of two disinterested and credible citizens of the county in which the land is situated, all of which affidavits shall be subscribed and sworn to before the district clerk, who shall certify to the same, and the credibility of said citizens under the seal of his office.

Sec. 2. That any person now occupying, or hereafter to occupy any portion of the public domain, subject to such occupancy under existing law, who may wish to make application for a homestead, shall have the right to make such application in accordance with this law, at any

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time within twelve months from the time of his or her occupancy, or within twelve months from the date of the approval of this act.

Sec. 3. Upon such application being made as required by law, it shall be the duty of the county surveyor, within one month thereafter, to survey said homestead, certify to the correctness of the field notes, record them in his office, and forward them, together with the other papers connected with the homestead application, to the General Land Office, for which he shall be paid the regular fees allowed by law; but he shall not be allowed any fees for correcting said field notes, should they need correction; and in no case shall any homestead applicant be required to pay anything for the land, or any other fees than the fees due by law in the surveyor's office and in the General Land Office.

Sec. 4. Any surveyor who shall fail or refuse to make a survey upon a homestead application, within a month after the application is made, or who shall fail to correct any field notes returned him for correction by the General Land Office, within ten days after he receives them, or who shall charge more than the regular fees, or who shall in any way violate the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction before the District Court, or a justice of the peace, shall be fined not less than ten dollars no more than one hundred dollars.

Sec. 5. This act shall take effect and be in force from and after its passage; and all laws or parts of laws in conflict herewith, are hereby repealed.

Approved May 26, 1873.

CHAPTER LXVIII.

An Act to provide for holding an Election for County Officers in the County of Waller, and authorizing Commissioners to hold the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioners appointed in the act creating the county of Waller, and to provide the same into justices' precincts, are hereby authorized to hold an election on the third Saturday in August, 1873, make re-

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turns and perform all such other duties as are required by law to be performed by the district clerks and justices of the peace under the election and registration laws, until said county of Waller shall have been organized by the election of county officers.

Sec. 2. That this act take effect from and after its passage.

Approved May 26, 1873.

CHAPTER LXIX.

An Act to reserve the right of way for any Railroad Company now incorporated by the laws of the State of Texas, or that may hereafter be incorporated by the Legislature of the State of Texas, across or through any lands granted to the Atlantic and Pacific Railroad Company by the Legislature of the State of Texas, or that may hereafter be granted to said Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the right of way be, and is hereby reserved to any railroad companies incorporated by the laws of this State, or that may hereafter be incorporated by the laws of this State, to the extent of one hundred feet on each side of said road, or roads that cross over, or extend through any lands granted, or that may be hereafter granted, to the Atlantic and Pacific Railroad Company by the Legislature of the State of Texas, with the right to take from the lands granted to the Atlantic and Pacific Railroad Company such stone, timber and earth as such road or roads may need in the construction of its line of road or roads.

Sec. 2. This act to take effect and be in force from and after its passage.

Approved May 27, 1873.

CHAPTER LXX.

An Act to amend Article 435 of the Code of Criminal Procedure.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 435 of the Code of Criminal

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Procedure shall hereafter read as follows: "Article 435. That on application to the clerk of the court or justice of the peace before whom any criminal case is pending, a subpoena or attachment for witnesses, either for the State or the defendant, may be issued to any county in the State, and in such cases it shall be lawful for the sheriff, his deputy, or any constable of the county from which said subpoena or attachment issued, to execute said process in any other county in this State where the witness may be found. That all such process issued, or caused to be issued, by the foreman of a grand jury in this State, may be in like manner executed by any competent officer of the county from which the same issues; provided, all process may issue to any other county when applied for."

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 27th, 1873.

CHAPTER LXXI.

An Act to provide for the safe keeping and protection of the State House, or so much thereof as may include the public halls, the committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the Library of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State be and he is hereby authorized and required, by and with the advice and consent of the Senate, to appoint some suitable person to take charge of the State House, or so much thereof as to embrace the hall of the House of Representatives and Senate chamber, and the furniture thereof, and all the committee rooms used and occupied by the Legislature, and all the furniture and fixtures belonging thereto, and all the books, maps, charts and papers belonging to the State Library.

Sec. 2. That it shall be the duty of the Governor, immediately after the passage of this act, or as soon thereafter as may be practicable, to appoint one or more suit-

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able persons (the number not to exceed two) to make a complete inventory of all the furniture and fixtures herein described, of all books, maps, charts and papers belonging or appertaining to the State Library, and file the same with the Secretary of State; and the person or persons appointed under the provisions of this section shall, upon the completion of the duties herein required of him or them, make a stated account, sworn to before any person authorized to administer an oath, stating the time that he or they were actually engaged in performing the duties herein provided for, and that upon the presentation of such an account, so authenticated, to the Comptroller of Public Accounts, he shall be required to draw his warrant in favor of such person or persons on the Treasurer of the State for the amount of the account so stated; provided, said person or persons shall not receive more than six dollars per day for each day actually employed in performing the labor herein required, and shall not receive pay for more than ten days.

Sec. 3. Before the person, appointed under the first section of this act, shall take into his possession the property herein enumerated, he shall call upon the Secretary of State, who shall be required to furnish such appointee with a duplicate copy of the inventory and catalogue herein required to be filed with said Secretary; and said appointee shall further be required, before taking possession of the property herein enumerated, to enter into bond with two or more sureties, to be approved by the Governor, in the sum of three thousand dollars, for the faithful discharge of his duties as said appointee; he shall be further charged with the safe keeping of public grounds and all buildings and property therein as now inclosed, and prevent any of the outbuildings being used as a stable or carriage house; the fences around the same; the gates thereof, and the protection and preservation of the shade trees within said enclosure; to keep said gates in good repair, and not allow any stock to run at large within said enclosure, and to do and perform such other services as may be necessary for the carrying into effect the provisions of this bill. He shall further be required to open, for the purpose of ventilation, the said hall and senate chamber and committee rooms at least once in each week, and to sweep out such hall, Senate chamber and rooms, and dust and brush off the furniture herein com-

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mitted to his care, as often as may be necessary for the cleanliness and preservation of the same. That said appointee shall not permit any of the furniture or fixtures herein committed to his care to used or removed from their appropriate places; provided, that nothing herein contained shall be so construed as to abridge or interfere with such rights and powers as now exist or may hereafter be conferred upon the Board of Commissioners of Public Buildings and Public Grounds; nor shall the said appointee be permitted or authorized, during the recess of the Legislature, to permit any person or persons whatsoever to use the hall of Representatives, Senate chamber, or committee rooms, unless so instructed by the Governor. Said agent shall also stay in the Capital each night, or cause some trusty person to sleep in such building, for the purpose of its protection.

Sec. 4. That said appointee shall hold his office for two years from the date of his appointment, and shall receive a salary of one thousand two hundred dollars annually, to be paid in monthly installments, under the same rules and regulations that govern the pay of clerks in the various departments; and should said appointee, from neglect or otherwise, fail to perform the duties herein imposed by the provisions of this act, he and his sureties shall be liable upon his bond, in such sum as may be assessed against said appointee, and his sureties, by any court and jury having jurisdiction thereof, and to be collected as in other cases of like nature.

Sec. 5. That for the purpose of carrying into effect the provisions of this act, the sum of two hundred dollars, or so much thereof as may be necessary, shall be paid out of any money in the treasury not otherwise appropriated; and that this act take effect from and after its passage.

Approved May 27, 1873.

CHAPTER LXXII.

An Act to Organize Clay County.

Section 1. Be it enacted by the Legislature of the State of Texas, That F. Johnson, E. Worley and Thomas

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H. Good, be and they are hereby appointed commissioners to organize the counties of Clay, and to perform the duties herein required of them as such commissioners; and they shall file in the office of the Secretary of State their oath of office to faithfully perform the duties of such commissioners, within ninety days from the passage of this act; and after the filing of said oath they are hereby authorized to enter upon and perform all official duties imposed by this act upon them; and any officer authorized by law to administer oaths is hereby authorized to administer the oath prescribed by this section.

Sec. 2. That each of said commissioners is hereby appointed a registrar for said county of Clay, and upon taking the oath and qualifying as required by law for registrars, before any notary public or justice of the peace, shall open their registration books for the registration of voters, at any place in said county of Clay, and give notice thereof by posting notices as required by law; and they are hereby authorized to administer all oaths, and to do and perform all acts of registrars under the laws of this State, and to keep open their books for such registration till one hundred and fifty legal voters of said county have been duly registered.

Sec. 3. When one hundred and fifty voters of said county shall have been registered under the provisions of this act, the commissioners aforesaid shall lay off said county into five justices' precincts, and shall order an election for one clerk of the District Court, one sheriff, one treasurer, one surveyor, and five justices of the peace—one for each of said precincts—who shall hold their respective offices until the next general election. The commissioners shall appoint three inspectors of said election, administer to them the oath of office, and said inspectors shall hold and conduct said election for said officers at Henrietta, in said county, in all respects conforming to the laws regulating elections, when the same do not conflict with this act; and the certificate of such inspectors shall be sufficient authority to any of such officers to enter upon the discharge of their duties.

Sec. 4. Said commissioners shall assemble at Henrietta aforesaid, five days before said election, and they are hereby constituted a board of revision and correction, and when so assembled they shall perform the duties of such board in accordance with the laws regulating the same.

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Sec. 5. They shall administer all oaths of office to the officers elected under this act, and approve bonds of the same, which said bonds shall be conditioned as the law requires.

Sec. 6. Any qualified elector of said county may hold and exercise the duties of any two of said officers, and no more.

Sec. 7. The county seat of said county shall be at the town of Henrietta, in said county.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved May 27, 1873.

CHAPTER LXXIII.

An Act entitled An Act to amend "An Act prescribing the mode of proceeding in District Courts in matters of Probate," approved August 15, A. D. 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of the above recited act be amended so as to read as follows: Section 1. The district courts shall have the following jurisdiction in matters of probate: First. To take probate of wills and grant letters testamentary; appoint administrators and grant letters of administration on estates of deceased persons; transact all business appertaining to estates of deceased persons; settle the accounts of executors and administrators, and partition and distribute said estates. Second. To appoint guardians of the persons and estates of minors, persons of unsound mind and habitual drunkards; transact business appertaining to such estates, and settle accounts of such guardians. And the clerks of the several district courts of the State shall have power, and they are hereby authorized, in vacation, to probate wills, grant letters testamentary, letters of administration, and letters of guardianship; approve all bonds of executors, administrators and guardians; file, approve and record inventories and appraisements of estates of deceased persons, minors, and persons of unsound mind; receive, examine, and pass upon all annual and final exhibits of such estates, and to approve or disapprove claims against the same;

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to receive, file, examine and pass upon all reports of sale and personal property; provided that the jurisdiction hereby conferred upon such clerks shall be exercised only in vacation, and when there is no contest; and provided further, that when in any matter brought or pending before such clerk in the exercise of the jurisdiction conferred upon them by this act, any contested issue of law or fact shall arise, the action of such clerk shall be suspended as to such issue, and the question so in issue adjourned unto the next term of the District Court of the county where the same is pending for trial. And all final settlements made before said clerks shall be subject to the approval or disapproval of the district courts. Said district clerks, in the exercise of the powers conferred upon them, shall be governed by the provisions of this act, which, so far as applicable, are intended to apply to such clerks; and provided, that any person interested in the administration or estate of any deceased person, or the guardian or next friend of any minor who may be aggrieved by any order, ruling or decision of any such clerk in any matter coming before him under the provisions of this act, except the appoinntment of a temporary administrator, shall have the right at any time before the commencement of the term of the District Court for the county in which such proceeding is had, holden next after the making of such order, ruling or decision, by filing his opposition thereto, in writing, specifying his grounds of objection to have such order, ruling or decision suspended and transferred by the clerk into such District Court for revision; provided, that all orders made by the clerk in vacation under the provisions of this section shall be spread upon the minutes of the probate record on the day they are made.

Sec. 2. That section "20" of said recited act shall be amended to hereafter read as follows: Sec. 20. That in every question of disputed fact, any party interested in the estate or administration shall, on demand, be entitled to a jury.

Sec. 3. Section 43 of said act shall be so amended as to hereafter read as follows: Sec. 43. What are called temporary letters of administration in this act, to-wit, such as are issued by the clerk in vacation, without previous notice, shall continue in force and effect till the appointment and qualification of a permanent adminis-

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trator or executor; and should there be no application to the clerk in vacation for permanent letters, and no such application pending before the court in term time, if there is no opposition, the court may, by order, without any notice, appoint such temporary administrator permanent administrator, exacting a new bond if the same be necessary.

Sec. 4. Said recited act shall be amended, to-wit: Section 45 of same to read hereafter as follows: Sec. 45. After four years have elapsed, the presumption shall be that no debts exist against the estate, or that they are barred by limitation, and that the property has gone into the hands of the heirs at law, or such persons as are entitled to receive the same. However, if debts exist, the creditor may have his remedy, by suit in a court of competent jurisdiction, against the heir or other party in possession of the property of the testator or intestate; provided, such property, at the time suit is commenced, would, if administration be permitted, be assets in the hands of the administrator or executor, or liable to be reduced to possession as assets to pay debts; and if such creditor shall establish his debt he shall recover judgment against the heir or other party in possession of the property to the amount of his debt; provided, however, that such judgment shall never exceed in amount the value of the property so held by the heir or other party. In all cases applicable, the State shall have the same remedy as any other creditor for the recovery of a debt or of escheated property. And it is hereby declared that the lawful and bona fide debts due by the testator or intestate are a lien and charge upon his property in the hands of the heir or legatee, or any other person whose possession of title to the same is not acquired bona fide and for a valuable consideration.

Sec. 5. That subdivision three of section sixty-three of said recited act, shall be amended to hereafter read as follows: Subdivision 3. If he neither resided at the time of his death, nor died in the State, then in the county where one or more of his nearest relatives reside; or if he left no relative in the State at the date of his death, then in the county where the principal portion of the estate is situated.

Sec. 6. That section sixty-eight of said act shall be amended to hereafter read as follows: Sec. 68. When

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bond shall be filed and approved, and oath taken, an order shall be entered on the minutes of the court by the clerk to that effect, and he shall deliver to the party a certificate to that effect, under his hand and the seal of the court, which certificate shall be proof of his fiduciary character in all the courts of this State.

Sec. 7. That section 114 of said act be so amended as to read as follows, to-wit: Sec. 114. A surety may apply to be relieved from the bond of an executor or administrator; and when such application is made, or when the sureties upon such bond, or any one of them, shall die, or remove beyond the limits of the State, or become insolvent, or when, in the opinion of the clerk of the District Court of the county in which the administration is pending, the sureties upon any such bond are insufficient, it shall be the duty of the District Court, in term time, or the clerk in vacation, upon his own motion, or the application of any person interested in the estate or in the administration, in his own behalf or as the guardian or next friend of a minor, to issue a citation requiring such executor or administrator to appear before the clerk in vacation, or the District Court, if in session, on a day named in such citation, and show cause why he should not be required to give a new bond; and it shall be the duty of the clerk in vacation, or the District Court, if in session, on the day at which said citation is made returnable, or some future day to which it may be continued, to inquire into the sufficiency of such bond, and if the court or clerk hearing the same shall find or be of opinion that either one of the sureties on such bond is dead, removed out of the State, insolvent, or that the sureties are insufficient, it shall be the duty of the court, or the clerk, as the case may be, to order such executor or administrator to give, in ten days, a new bond, and the service of the citation upon him, as herein provided, shall have the effect to suspend the powers of such executor or administrator, except for the preservation of the property, until he shall have complied with the order of such court, or clerk made in that connection. But no surety who shall make application to be relieved from any bond shall be so relieved until the administrator, or executor or guardian shall have executed a new bond, and the same shall have been approved.

Sec. 8. Section one hundred and twenty-nine of the

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aforesaid act shall be amended to read as follows: Sec. 129. The appraised value shall be set opposite each item in the inventory, and the real property shall be computed separate from the personal, to which said appraisement and inventory the appraisers, or a majority of them, shall subscribe their names, and make affidavit before some officer authorized to administer an oath that said appraisement and inventory is just and correct, to the [best] of their knowledge and belief; that are disinterested parties, and not of kin to the administrator or executor.

Sec. 9. That section one hundred and thirty-nine of the said act shall be amended to read as follows: Sec. 139. The report of the commissioners shall be signed by them, or a majority of them, to which shall be attached their sworn statement, made before some officer authorized to administer an oath, that the partition made by them as set out in their report is just and fair, to the best of their knowledge and information; that they have no interest in said partition; that they are not of kin to any of the parties to the partition; or, as the case may be, that they believe no just division of the land or other property can be made.

Sec. 10. That section one hundred and forty-six of said act shall be amended so as to read as follows: Sec. 146. It follows from the preceding sections that executors and administrators may sue and be sued for the possession of real property; and, when ordered by the court, may bring trespass to try title, or any other character of suit in which the title to land may be decided, and in such case the judgment of the court shall bind the heir, distribute or legatee, except the proceedings be tainted by fraud. In all cases where the testator or intestate has sued or been sued for the rittle[1] [title] in his lifetime, such suit shall not abate by reason of the death of any of the parties, but the same may be revived by or against their executors or administrators, and the case proceed to judgment, and the same shall be as binding on the heirs, legatees and distributees as if rendered in the lifetime of the testator or intestate.

Sec. 11. That section one hundred and seventy-six of said act shall be amended to read as follows: Sec. 176. The executor or administrator shall, within one month after

[1]Mistake in enrolled bill.

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his qualification, notify all persons concerned, to present their claims for allowance within the period of twelve months from date of such notice, otherwise, if presented after that date, they will be postponed for payment till those presented within that date are paid; which notice shall be published for three weeks in a newspaper, if one be published in the county; if not, by posting in three public places in the county, the court house door being one of the places.

Sec. 12. That section one hundred and eighty-two of said act shall be so amended as to read as follows: Sec. 182. The administrator or executor shall not allow any claim, or the court or clerk approve the same, unless it shall have an affidavit attached, made by the owner, his agent or attorney, before some officer having a seal of office, and generally authorized to administer oaths, to the effect as follows: That said claim is a just debt against the estate, and that the same is due and unpaid, after deducting all payments, credits and setoffs to affiant known.

Sec. 13. That section one hundred and ninety-two of said recited act shall be amended to read as follows: Sec. 192. That at each term of the court, all claims which have been accepted by the administrator or executor, and filed, and not approved by the clerk in vacation, shall be examined by the court and approved or rejected in whole or in part by endorsement on same, signed by the court; and such approval or disapproval by the court, or by the clerk in vacation, shall have the effect of a judgment or decree by the court, and shall bind the administrator, executor, heirs, legatees and distributees until avoided and set aside by due course of law. All claims which have been presented, whether allowed or approved or not, shall be assigned to their proper class. Unliquidated claims may be referred by the court to an auditor, and the action of the court be based on his report.

Sec. 14. That section 217 of said act be so amended as to read as follows: Sec. 217. It shall be the duty of the executor or administrator, at the expiration of thirteen months from the original grant of letters testamentary or of administration, to return an account showing,, first, any property that may have come to his knowledge or possession, by discovery, increase or otherwise, belonging to the estate which has not been previously inventoried; second, any changes in the property of the

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estate, by sale, destruction or otherwise, which have not been previously reported; third, the disposition or condition of all suits pending at the death of the testator or intestate, or instituted afterwards; fourth, all claims and parts of claims against the estate paid by him; fifth, all claims and parts of claims due the estate which have been collected, giving the precise date of such collection, and specifying distinctly the amount received as interest on each claim, and the condition and prospects of those remaining uncollected; sixth, the amount of money in his hands belonging to the estate. Annexed to said account shall be the affidavit of the executor or administrator, that it is a complete and correct account of all the matters to which it relates.

Sec. 15. That section 235 of said act be so amended as to read as follows, to-wit: Sec. 235. No order for the sale of real property, for the payment of debts, shall be made unless notice of the application therefor shall have been given by citation, duly posted, to all persons interested in the administration and estate to show cause why such sale should not be made.

Sec. 16. That section 240 of said act be so amended as to read as follows, to-wit: Sec. 240. All public sales of real property shall be made in the county where the administration is pending, unless the property is situated in another county, in which case the court may order the sale to take place in such county, and in all such cases the sales shall be advertised in both counties.

Sec. 17. That section 242 of said act be amended so as to read as follows: Sec. 242. The advertisement of the sale of real property shall be sufficient if it state, first, the time of the sale; second, the place of the sale; third, a description of the property and the name of the estate to which it belongs; fourth, the authority by which it is to be sold, and the date of the order; fifth, the purpose for which the sale is made; sixth, it shall be signed by the executor or administrator officially.

Sec. 18. That section two hundred and forty-three of the aforesaid act shall be amended to hereafter read as follows: Sec. 243. All public sales of real estate made by the order or decree of the District Court in matters of probate, shall be made on the first Tuesday of the month, at the court house door of the county where such sale is ordered; and the administrator or executor shall give

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public notice of such sale by publishing a notice of the same for three successive weeks prior to the day of sale; such publication to be once each week, in a newspaper, if there be one published in the county where such sale is made; if there is no newspaper in the county where such sale is made, then such notice shall be given by posting written or printed notices of the time and place of sale, in at least three public places in the county where the land is situated, one of which public places shall be the court house door, and such notices shall contain a brief description of the property to be sold and the terms of sale; if the land is sold in a county other than the county where administration is pending, such sale shall be advertised in the county where the land is sold, as well as in the county where administration is pending, as is herein required. Any person bidding off property, real or personal, at an administrator's or executor's sale, and who shall fail to comply with the terms of sale on the day of sale, the executor or administrator may proceed to sell the property again on the same day, if there is time so to do, or, in his discretion, re-advertise and sell the same on some succeeding legal sale day. If at such second sale, such property does not bring the amount bid by the antecedent purchaser, such antecedent purchaser shall forfeit and pay to the executor or administrator, for the benefit of the estate, the difference between what he bid and what said property brings at such scond sale; and in addition thereto, twenty per cent. damages, to be sued for and recovered for the benefit of the estate, before any court of competent jurisdiction. The twenty per cent, damages given in this section is on the amount of the defaulting purchaser's bid.

Sec. 19. Section two hundred and forty-six of said recited act shall be amended to hereafter read as follows: Sec. 246. The terms of sale of all real estate, when made on a credit (and the court may, if it deems proper, order such credit to be twelve months), are, that the purchaser give a note, with approved personal sureties, and to execute a mortgage on the land to secure the payment of the purchase money, which said mortgage it shall be the duty of the administrator or executor to have recorded in the proper county; but if he fails to perform this duty, the notes for the purchase money, till paid, shall have preference and priority over any right, title or claim the purchaser at the sale, by virtue of such pur-

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chase, and the deed from the executor or administrator, can confer on any third person; and all such purchasers shall be deemed to have full notice of the lien in favor of the estate for the purchase money.

Sec. 20. That section two hundred and fifty-one of said act be so amended as to read as follows: Sec. 251. Every account of an executor or administrator shall, on being filed, be continued thirty days before it is acted on; and if it is a final account, until the next term of the court.

Sec. 21. That section two hundred and fifty-two of said act be so amended as to read as follows: Sec. 252. Notice of the filing of all accounts, except final accounts, shall be given by citation, duly posted; and of final accounts by publication in some newspaper published in the county, if there be one, for three successive weeks, and if there be none, by citation duly posted for twenty days.

Sec. 22. That section 266 of said act be so amended as to read as follows: Sec. 266. Executors and administrators shall be removed in the following cases, without notice, either in term time or vacation: First, when they neglect to return, within thirty days after qualification, an inventory of the estate, so far as the same has come to their knowledge; second, when they have been required to give a new bond, and neglect to do so within the time prescribed; third, when they have removed from the State; fourth, when they have failed for the period of two years to return an account; fifth, when they have been ordered to sell property for the payment of debts or expenses of administration, and have failed to do so, or to return satisfactory [account], under oath, for such failure.

Sec. 23. Section 291 of the aforecited act shall be amended to hereafter read as follows: Sec. 291. Such sales shall be made, advertised, returned, confirmed and completed, as is directed by section two hundred and forty-three of said recited act, as amended by this act, and terms of sale same as is required in section two hundred and forty-six as amended by this act.

Sec. 24. That section 341 of said act be so amended as to read as follows: Sec. 341. Only one guardian can be appointed of the person and estate of a minor; but one person may be appointed guardian of the person and another of the estate, where the applicants are equally

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entitled; provided, nothing in this section shall be held to prohibit the joint appointment of husband and wife.

Sec. 25. It shall not be lawful for any clerk of the District Court, or the sheriff of [any] county, to become a surety upon the official bond of any administrator, executor or administrator[1] [guardian], nor shall it be competent for a deputy to exercise the powers and authority herein conferred upon the clerk.

Sec. 26. That sections 127, 231, 232, and 250, of said aforecited act, be and the same are hereby repealed, and all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved May 27, 1873.

CHAPTER LXXIV.

An Act to amend section eleven of an act entitled "An Act concerning Divorce and Alimony," approved 6th January, 1841.

Section 1. Be it enacted by the Legislature of the State of Texas, That section eleven of an act entitled "An act concerning divorce and alimony," approved 6th January, A. D., 1841, shall hereafter read as follows, to-wit: Sec. 11. No suit for divorce from the bonds of matrimony shall be maintained in the courts of this State, unless the petitioner for such divorce shall, at the time of exhibiting his or her petition, be an actual bona fide inhabitant of this State and shall have resided in the county where the suit is filed six months next preceding the filing of the suit.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 27th, 1873.

[1]Mistake in enrolled bill.

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CHAPTER LXXV.

An Act prescribing the times of holding District Courts in Kaufman and Rockwall counties, in the Tenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts in Kaufman and Rockwall counties, in the Tenth Judicial District, shall be holden at the times hereinafter prescribed.

Sec. 2. In the county of Kaufman, on the last Mondays in September, January and May, and may continue in session three weeks. In the county of Rockwall on the third Mondays in October, February and June, and may continue in session one week.

Sec. 3. That all laws and parts of laws, so far as they contravene the provisions of this act, are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved May 27th, 1873.

CHAPTER LXXVI.

An Act making an Appropriation to defray the Contingent Expenses of the First Session of the Thirteenth Legislature of the State of Texas.

Section 1. Be it enacted [by] the Legislature of the State of Texas, That the sum of twenty thousand (20,000) dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the contingent expenses of the Thirteenth Legislature; and that the certificates of the secretary of the Senate and chief clerk of the House of Representatives to the correctness of, and the approval of the chairmen of the Contingent Expenses Committees of the Senate and House to, the respective accounts against the two houses, shall be sufficient authority for the Comptroller to draw his warrants upon the Treasurer for the several amounts charged against said fund.

Sec. 2. That any balance not required under the pro-

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visions of this act shall be and is hereby returned to the general fund of the Treasury.

Sec. 3. That this act shall take effect from and after its passage.

Passed May 30, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LXXVII.

An Act to authorize the holders of State Warrants to surrender the same to the State Treasurer and receive State Bonds in lieu thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be and he is hereby authorized and required to have printed bonds of said State, of the denomination of one hundred dollars each, to the amount of five hundred thousand dollars, payable ten years after date, but redeemable at the pleasure of said State at any time after three years from their date, drawing interest at the rate of ten per cent. per annum, payable semi-annually at the Treasury of said State on the first days of January and July of each year; which bonds shall be numbered consecutively from one upwards, shall be signed by the Governor and Treasurer of the State, and countersigned and registered by the Comptroller of Public Accounts. The date of said bonds and the person to whom they are payable, shall be left blank, and they shall be deposited with the State Treasurer.

Sec. 2. Any holder of State warrants shall have the right to surrender them to the State Treasurer, in sums of one or more hundreds of dollars, and receive in lieu thereof an equal amount of the foregoing bonds, in the following manner, viz: Upon application to the Comptroller of Public Accounts, he

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shall receive a deposit warrant requiring the Treasurer of the State to receive the amount of State warrants proposed to be surrendered, and to issue in lieu thereof the corresponding amount in the said State bonds. When such deposit warrant shall be presented to the State Treasurer, with the corresponding amount in the State warrants, it shall be his duty to receive said State warrants and countersign the deposit warrant, and issue in lieu thereof the above named State bonds for an equal amount; which bonds shall be dated by the Treasurer, with the day of their delivery, and shall be made payable to the party in whose favor such deposit warrant was drawn. Whereupon the Treasurer shall, at the time, make a registry of the number, date and amount of the bonds so delivered, with the name of the person to whom payable; and he shall also write on all State warrants so surrendered the word "canceled," and sign his name thereto.

Sec. 3. The State Treasurer shall, on the first day of each and every month, make a written return to the Comptroller, containing a description of all deposit warrants and State warrants that he has received, and all State bonds that he has issued under the provisions of this act; whereupon it shall be the duty of the Comptroller and Secretary of State, immediately thereafter, to examine and compare said report with the original deposit warrants and state warrants, and if found to be correct, they shall endorse the said report "approved," and sign the same, and cause all the State warrants described in said report to be destroyed by fire. All such reports, when approved, shall be recorded in the Comptroller's office.

Sec. 4. When any of said State bonds shall be issued by the Treasurer, he shall immediately thereafter set apart and retain in the treasury, from the first money paid in on account of State revenue of any description, an amount sufficient to make the first semi-annual payment of interest on the same; and the Treasurer shall immediately after the first days of January and July in each year, set apart and retain in the treasury, from the first money paid in on account of State revenue of any description, an amount sufficient to make the next semi-annual payment of interest on all of said bonds then outstanding; and, also, on the first day of January, annually after the issuance of any of the said bonds, set

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apart the two per cent. as a sinking fund for the redemption of the principal, as required by the twenty-third section of article twelve of the State Constitution. All moneys so set apart and retained in the treasury are hereby appropriated for the payment of the semi-annual interest on said bonds, as the same shall accrue and become payable; and it shall be the duty of the State Treasurer, on and after each first days of January and July in each year, to pay the semi-annual interest that has accrued on said bonds. The money so set apart and retained in the treasury shall be used for no other object. And this section shall continue in force and be irrepealable until all the bonds issued under this act shall have been paid and discharged by the State.

Sec. 5. The bonds issued under this act may be transferred by the payee, by endorsement only on the books of the State Treasurer, either in person or by attorney, duly authorized by a power acknowledged before some officer authorized by the laws of this State, to take the acknowledgement of deeds; but in all such cases the bonds shall be exhibited to the Treasurer, who shall endorse on them to whom they are transferred, and sign said endorsement.

Sec. 6. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay for the printing of the bonds hereby authorized to be issued; and this act shall take effect and be in force from and after its passage.

Approved May 30th, 1873.

CHAPTER LXXVIII.

An Act to amend "An Act to provide for Districting the State of Texas into Judicial Districts," approved July the first, A. D. 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section nine of said act be so amended as hereafter to read as follows: "That the Ninth District shall be composed of the counties of Wood, Upshur, Smith, Raines and Gregg."

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 30th, 1873.

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CHAPTER LXXIX.

An Act to amend an Act entitled "An Act to provide for Districting the State of Texas into Judicial Districts," approved July 2d, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Twenty-first District shall be composed of the counties of Austin, Colorado, Fort Bend and Waller.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved May 30th, 1873.

CHAPTER LXXX.

An Act supplemental to an Act entitled "An Act to amend the twenty-second section of an Act entitled 'An Act prescribing the times of holding the District Courts in the several Judicial Districts in the State,'" approved February 6, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, that the first section of said act shall hereafter read as follows: Section first. The District Courts of the Twenty-first Judicial District shall be held at the times and places following, to-wit: In the county of Colorado on the first Mondays in October, February and June, and may continue in session four weeks; in the county of Fort Bend, on the first Mondays in November, March and July, and may continue in session three weeks; in the county of Austin, on the fourth Mondays in November, March and July, and may continue in session two weeks; in the county of Waller on the second Mondays in December, April and August, and may continue in session until the business is disposed of.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved May 30th, 1873.

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CHAPTER LXXXI.

An Act to repeal section sixty of an Act entitled "An Act concerning Private Corporations," approved December 2, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section sixty of the above recited act, which reads as follows, to-wit, "Lands may be appropriated for the use of macadam, plank road and telegraph corporations in the same manner as provided for in the general laws of this State for railway corporations, as far as applicable," be and the same is hereby repealed.

Sec. 2. That this act shall be in force and take effect from and after its passage.

Approved May 30th, 1873.

CHAPTER LXXXII.

An Act to amend section one of an Act entitled "An Act to amend the thirty-fourth and thirty-sixth sections of an Act entitled 'An Act prescribing the times of holding the District Courts in the several Judicial Districts in the State,'" approved August 10th, 1870, approved February 6th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of an act entitled "An act to amend the thirty-fourth and thirty-sixth sections of an act entitled 'An act prescribing the times of holding the District Courts in the several judicial districts in the State,'" approved August 10, 1870, approved February 6, 1871, be so amended as hereafter to read as follows: That section thirty-four of an act entitled "An act prescribing the times of holding the District Courts in the several judicial districts in the State," approved August 10, 1870, be so amended as that hereafter the terms of holding the District Courts in the Thirty third Judicial District shall be as follows, to-wit: In the county of Limestone, on the second Mondays in February, June and October, and may continue in session three weeks, except said term commencing on second Monday in June, which shall continue in session only

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one week. In the county of Falls, on the fourth Monday after the second Monday in February, June and October, and may continue in session four weeks, except said term commencing on the fourth Monday after the second Monday in June, which shall continue in session only one week. In the county of McLennan, on the eighth Monday after the second Monday in February, June and October, and may continue in session until the business of the court is disposed of, except said term commencing on the eighth Monday after the second, in June, which shall continue in session only one week.

Sec. 2. That this act be in force from and after its passage.

Approved May 31st, 1873.

CHAPTER LXXXIII.

An Act to Regulate the Assessment and Collection of Taxes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the justices of the peace of the several counties in this State shall be the assessors of the taxes in their respective precincts, under such rules and regulations as may be prescribed by law; and they shall make a return to the County Court every three months of all persons in their precinct subject to an occupation tax, which return shall be preserved by said court.

Sec. 2. That every justice of the peace shall, within fifteen days after he has received notice of his election, in addition to his bond and oath required of him as said justice, give a bond payable to the State of Texas, in a penalty of two thousand dollars, with at least three good and sufficient sureties, to be approved by the clerk of the District Court of his county, and shall also take and subscribe the following oath, which shall be endorsed on said bond, to-wit: "I do solemnly swear that all valuations made by me shall be in accordance with the laws of this State regulating the assessment and collection of taxes and justice;" which, together with said bond, shall be filed and recorded in the office of the clerk of the District Court; and said bond shall be deemed to extend to the faithful performance of all duties imposed

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on him by this act and the instructions of the Comptroller of Public Accounts, as said assessor, for the full term for which he was elected, and until his successor is qualified, and shall not become void on the first recovery, but suit may be maintained thereon until the whole amount thereof is recovered; and said justice of the peace may be required to furnish a new bond, or additional or other security, whenever in the opinion of the district judge it may be deemed advisable. Should any justice of the peace fail to give a new bond, or additional or other security, when required so to do by lawful authority, or shall appear to be a delinquent in the performance of any important duty imposed upon him by this act, or shall become addicted to habitual intemperance, or gambling, or be incompetent, from any cause, to discharge his official duties, he shall be removed from office by the District Court, who shall forthwith order an election to fill such vacancy for the remainder of his official term; and in case of such removal by the District Court, the cause thereof, and order of removal, shall be entered on the minutes of the court; provided, such justice shall be first duly cited and notified of the charges or complaints against him, and shall have an opportunity to make defense.

Sec. 3. That all taxes shall be assessed by the justices of the peace, and collected by the sheriffs of the several counties, except county occupation tax, which shall be collected by the county treasurer. The County Court of [an] organized county, to which any unorganized county or counties, or territories not organized into counties, may be or may have been attached for judicial purposes, shall designate one or more of the magistrates composing it, whose duty it shall be to proceed into [such] unorganized county or counties, or territories, and assess the taxes as provided for in this act for organized counties; and it shall be the duty of the sheriff in such organized county, wherever assessment rolls of such unorganized county or counties, or territories, has been delivered to him, to proceed to collect the taxes due in said counties, as provided in organized counties of this State; and should a vacancy occur from any cause, in any precinct in any organized county, the County Court shall designate one of its number to assess the taxes in such precinct.

Sec. 4. That all personal property shall be assessed, and the tax thereon collected, in the county where the

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owner or agent thereof resides; and all real estate may be rendered or listed, and the taxes paid thereon, in the county where the owner or agent thereof resides; provided, the same shall be assessed in the precinct where it, or the greater part of it, is situated; and where lands shall be rendered, situated in other counties than that in which the same is rendered, it shall be done to the presiding justice, whose duty it shall be forthwith to forward an abstract to the presiding justice of the county in which the land is situated, who shall immediately assess, or cause to be assessed, by the justice of the proper precinct, the value of said land, and to return said assessment to the presiding justice from whom he received the abstract, together with a statement of the county and special taxes levied in said county; the abstract he shall retain and record in a book kept in his office for that purpose; and the presiding justice, to whom said land was rendered or listed, shall enter said assessment upon the tax rolls of his county, and the same shall be collected as other taxes in the county.

Sec. 5. That all real property in this State, subject to taxation, shall be rendered and assessed in the precinct where situate.

Sec. 6. That the several justices of the peace shall call upon every person liable for any tax in their respective precincts, whose duty it shall be to render, under oath, a complete list of all property, money, credits, and other subjects of taxation, and the value thereof; and any justice of the peace willfully or corruptly failing to make any such call, or to administer the oath required by this act, shall be subject, upon conviction in a court of competent jurisdiction, to a fine of fifty dollars for each and every such failure, which may be tried, upon information, before any other justice of the peace, or upon indictment, in the District Court of his county.

Sec. 7. That all property is directed to be rendered for taxation prior to the first day of April in each year; and the owner or agent rendering said list or inventory shall, before rendering the same, make oath as follows, viz.: "I do solemnly swear (or affirm) that the inventory now about to be rendered shall contain a full and complete list of all taxable property owned by me, or held by me for others, liable to assessment in this precinct; and that I will true answers make to all questions propounded

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to me touching the same, so help me God;" which said list, when so rendered, shall be subscribed by the party rendering the same.

Sec. 8. That all personal property is to be rendered for taxation by giving a description list, duly signed, and stating its nature; real estate shall be rendered for assessment by giving a descriptive list thereof, duly signed, showing the original grantee, the abstract number thereof, if known, the number of acres, in what county situate, and its value.

Sec. 9. That in case any property required to be taxed is not rendered for assessment, it is hereby made the duty of the assessing officer of the precinct in which the same is situate to list and value said unrendered property justly himself; and in case the taxes on such assessment are not paid as other taxes, and suit is brought for such taxes, with interest, such assessment shall be held to be prima facie proof of value, but may be disproved by competent evidence. But in case the person rendering the property makes oath to the value thereof, and the assessing officer is satisfied that it is correctly valued in lawful money of the United States, he shall assess the same accordingly. Where the value is not sworn to, or when the assessing officer is satisfied that the value sworn to is too low, he shall assess the same at such value as he, as a sworn officer, deems just; and if the person rendering submit to such assessment, it shall stand; but in case the person rendering makes oath that such assessment is excessive, and names a disinterested person as his arbitrator, the asessing officer shall name one, they, in case of disagreement, to select a third, and such arbitrators shall decide the value, and the property shall be assessed accordingly.

Sec. 10. That it is hereby made the duty of all persons owning property in this State subject to taxation, including railroads and telegraphs, etc., to render the same to the proper office, and pay the taxes thereon as herein provided.

Sec. 11. That the annual assessment made upon real estate shall be a lien thereon, and interest shall run thereon from and after the time allowed by law for payment and collection of the taxes due upon said property.

Sec. 12. That it shall be the duty of every person in this State, subject to a poll tax, to pay the same as herein

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provided; and no person who fails to pay his poll tax shall receive any money that may be due, or may become due to him in any manner from the State or county, or any money that may become due to him that may come to the hands of the sheriff or any constable, or the treasurer of the State or county, unless the amount of poll tax due by him, with interest, if any, computed as herein stated [is herein stated],[1] is first deducted, to be applied to public schools or public roads, as the case may be.

Sec. 13. That the assessing officers of this State shall specially require of every person, firm or corporation, whose taxes are assessed, to give in for taxation and assessment all certificates entitling the owners thereof to lands out of the public domain of this State, of every class and description, which such person, firm or corporation shall own, possess or control, as owner, agent, attorney, executor, administrator, guardian, or otherwise, together with a description of such certificate or certificates as to class, date, grantee, for what issued and by whom, and such other description as the Comptroller of Public Accounts may require for identification.

Sec. 14. That it shall be the duty of the assessing officer to enter in a register, prepared for the purpose, and furnished by the Comptroller to the assessing officer, every such certificate given in for taxation, together with such accurate description as may be required by the Comptroller under this act; and such assessing officer shall, at the same time, when they return to the Comptroller their annual assessment rolls, as required by law, also make a complete and accurate copy of said register of certificates returned for taxes, and forward the same to the Comptroller of Public Accounts, with the general assessment rolls aforesaid.

Sec. 15. That the Comptroller of Public Accounts shall have designated and prepared for use in this [his] office a general register of lands, and also of land certificates returned for taxation, which shall be arranged for the registering by classes, and numerically, all certificates so rendered for assessment, as hereinbefore provided, and the said copies of registers of certificates shall be accurately and completely transcribed therein; all lands rendered for assessment shall be entered in the register kept

[1]Mistake in enrolled bill.

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for that purpose, which shall be so arranged as to show the assessment thereof for five years.

Sec. 16. That the taxes upon such land certificates shall, be equal and uniform throughout the State, and shall be ad valorem; and in order effectually to secure this object, it shall be the duty of the Comptroller of Public Accounts, on the first day of January of each and every year, to ascertain the actual average cash value of every class of land certificates liable to taxation, in open market at the seat of government, and such actual cash average value on the first day of January of each year shall be established as the value of land certificates aforesaid; and it is hereby made the duty of said Comptroller to instruct the assessors of taxes throughout the State of the value so established by the first day of February of each and every year, and such value, so established, shall be assessed upon all land certificates held or owned by every person, firm or corporation in this State, and the taxes so assessed shall be collected as other taxes in this State.

Sec. 17. That whenever any such certificate or certificates for land, as are hereinbefore mentioned, shall not be rendered for taxation as herein required, the taxes thereon shall, nevertheless, accrue and become due thereon and collected as in other cases; and such taxes shall bear interest from the day they become due at the rate of ten per cent. per annum; and whenever any such certificate shall be located upon any of the public domain, the land so located upon shall become liable for all taxes that may be due upon such certificate, together with the interest as aforesaid, and such land may be proceeded against and condemned and sold for such taxes as for taxes due on land.

Sec. 18. That whenever any of the public domain has been located upon by virtue of any land certificate hereinbefore mentioned, and the field notes of the survey shall have been returned to the General Land Office, it is hereby made the duty of the Commissioner of said office to communicate, in writing, to the Comptroller a full description of the certificate under or by virtue of which such location and survey was made; also in what county the land so located is situate; whereupon, it shall be the duty of the Comptroller, if there shall be any taxes due the State or county on such land certificate, to make up a

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full statement thereof, and forward the same to the proper officer for collection, with instructions to proceed to collect the same as other taxes on such lands might be collected; and in case there should be no taxes due, as aforesaid, the Comptroller shall nevertheless notify the presiding justice of the county where the land is located, giving the name of the owner, for whom located, and the quantity; and it shall be the duty of said presiding justice to duly notify the assessing officer of the precinct in such county wherein the said land is situated, of such facts so communicated to him by the Comptroller of Public Accounts.

Sec. 19. That it shall be the duty of the police courts of the several counties of this State to procure from the General Land Office photographic maps of their respective counties, which maps shall be kept in the office of the clerk of said court, for the use of the court and the assessors and collectors of taxes in said counties; and whenever said courts shall examine the assessment rolls, as they are by law required to do, it shall be their duty to examine critically, and ascertain whether or not all located lands in their respective counties have been assessed; and they shall require such lands as may have been overlooked, or not assessed, to be entered on the assessment roll.

Sec. 20. That it shall be the duty of said court to receive and cause to be entered in a book of records, to be by them procured for that purpose, and kept by the clerk, the field notes of all such lands as may be located in their respective counties, and which do not appear on the photographic maps aforesaid; and it shall be the duty of said Police Court to inspect such records of new surveys, and if the same have not been assessed and entered on the rolls by the assessing officer, to cause the same to be assessed and entered on said rolls before forwarding the same to the comptroller.

Sec. 21. Clause 1. The property of all railroad and telegraph companies situated in this State shall be assessed for the purpose of taxation, by the justices of the peace of the precincts where such property may be situated; except the entire rolling stock and road beds of any railroad company, which may be assessed by the justice of the peace of the precinct where the principal office or place of business of such railroad company may be situ-

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ated; provided, telegraph companies may render for assessment to the Justice of the precinct where their principal office or place of business may be situated, their entire line of wire.

Clause 2. The Comptroller of Public Accounts shall, on or before the first day of January in each year, furnish to the President, Vice President, Secretary, or principal agent or superintendent of every railroad company, owning any property, or operating any road in this State, and to the principal secretary, agent, operator or manager of every telegraph company situated or operating any line, or owning any property situated in this State, suitable form or forms, in blank, on which some one of the officers or agents aforenamed, of any railroad or telegraph companies, may for their respective companies make out a list (and the word "list" as used in the act means the same thing as inventory and appraisement) of all the property owned by every such company situate in this State, and taxable by any of the laws of this State, owned by such railroad or telegraph company, on the first day of January of each and every year, affixing values on such form or forms to such property, which said values shall be the fair and reasonable value of such property in the market, or for use or investment, in the legal tender currency of the United States, which said list shall be made out in duplicate by some one of the officers or agents of such companies aforenamed, and returned to the proper justice of the peace, on or before the first day of March in each and every year.

Clause 3. Such list shall be signed by some one of the officers or agents of such companies aforenamed, officially, and shall have printed or written on it the following statement, which shall be signed and sworn to by some of said officers or agents aforenamed, before the justice of the peace, who shall attest the same by his signature and official seal: "I ....., (stating the official title of the party in such company), do state that the annexed list of the property of the ..... (stating the full name and style of such company), is a correct inventory and appraisement of all the taxable property of said company, owned by them on the first day of January, A. D. 18...., and taxable under any of the laws of said State, and returnable to the justice of the peace of .....precinct, ... county, and that the values stated of such property are

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the fair and reasonable values of the same in the market, or for use or investment, in legal tender currency of the United States."

Clause 4. So soon as such lists have been properly made out and returnable to the justice, he shall carefully examine the same; and if satisfied that the same are correct, shall approve the same, and forward one copy to the Comptroller of Public Accounts; the other copy he shall file with the clerk of the District Court of his county, who shall preserve the same as a public archive of his office. If such justice is not satisfied as to the correctness of such list, in every particular, he shall at once specify, in writing, wherein he is dissatisfied with the same, sign the same officially, and attach the same to said list, and shall at once forward one copy of said list, and his specifications, to the Comptroller; the other copy filed with the district clerk of his county, to be preserved by him as a public archive of his office.

Clause 5. On the reception of such list, approved by the justice of the peace, the Comptroller shall at once proceed to carefully examine the same, and compare the same with any documentary evidence in his office, or that may be at his command, and by which the accuracy of the same may be tested; when, if satisfied that the same is correct and proper, he shall indorse the same approved, and the same shall stand as the list of the company. On the receipt by the Comptroller of a list disapproved by the justice of the peace, with specifications, the Comptroller shall proceed to examine and test the same, as herein provided, for a list approved by the justice; and if, after such examination, he believes the specifications of such justice to be incorrect, and said list correct and proper, he shall indorse on said list approved by him, and the same shall stand as the list of the company.

Clause 6. If, however, the Comptroller shall disapprove a list approved by the justice of the peace, or shall find the specifications correct, or any of them, to a disapproved list by the justice, the Comptroller shall at once proceed to reduce his specifications and objections to any such list to writing, sign same officially, and attach same to such list; and when such list is revised, as hereinafter provided for, only such matters shall be considered as have been specified and designated by the Comptroller and justice of the peace in the specifications they are herein required to attach to any disapproved list.

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Clause 7. So soon as the Comptroller disapproves a list, he shall at once notify some one of the officers or agents of such company, to whom he is required to forward blank forms, of such disapproval; such notice may be written, or printed, or both, and shall be signed by the Comptroller officially. It shall require such company, in thirty days from the date of said notice, to select a referee to act as one of a board of referees, the other to be selected by the Comptroller, to consider the specifications and objections made by the Comptroller and justice to the list of such company, and determine the same. The receipt of the postmaster of the mailing of this notice to the company shall be evidence of the reception of the same by them; and it shall be the duty of all railroad and telegraph companies in this State, or doing business in this State, to at once, after the passage of this act, notify the Comptroller of the locality of their principal office or place of business in this State, and the person to whom they desire forms and notices to be addressed; and if they should fail to comply with this provision, so long as they shall so fail, they shall not be heard to urge any objection to any proceeding authorized by any portion of this act, for want of notice of any proceeding herein required, but shall in every respect be considered in default; and if any change should occur, as to place or persons, it shall be notified to the Comptroller by such company, from time to time.

Clause 8. The referees selected shall meet to consider of their duties at the city of Austin, within ten days after the expiration of the thirty days' notice given by the Comptroller, and shall conclude their labors within thirty days after their assembling. Before entering on the duties of their office as a board of referees, they shall take an oath before some officer authorized to administer oaths, in addition to the oath required by the Constitution, that they will impartially and fairly judge and determine between the State and the company, and that they have no interest in or with the company whose list is disapproved, either directly or indirectly, and that they have no bias for or against it.

Clause 9. Said board of referees shall have power to administer oaths (any one of the referees), to send for persons and papers, to compel the attendance of witnesses by attachment, and may fine and imprison for con-

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tempt or refusal to obey their process; and all sheriffs and constables of this State are hereby required to obey and execute the process of said board of referees, such process being attested by the Secretary of State, with the great seal of the State attached. Said board shall not have power to fine over one hundred dollars for a single offense, or imprisonment for more than five days. Said board shall keep a journal of their proceedings; and when any such board of referees are in session, at the city of Austin, the Comptroller shall detail a clerk from his office, who shall be the clerk of said board.

Clause 10. Said board of referees shall carefully examine the disapproved inventory, and specifications and objections of the Comptroller and justice of the peace, and shall examine such documentary evidence as they may be required to examine by any provisions of this act, and such other evidence as may be introduced by the State or the company, or that [they] may see proper to examine of their own motion, and shall determine the merits of the specifications and objections of the Comptroller and justice of the peace according to the law and the facts; if they sustain any, or all of the specifications of the Comptroller or justice, they shall correct such inventory according to the facts and their finding, and shall certify the same under their hands; and the list, so corrected, shall stand as the list of the company. If they do not sustain any of the specifications or objections of the Comptroller and justice, they shall so certify, and the list as returned by the company shall stand.

Clause 11. If any company, whose list is disapproved by the Comptroller, shall fail to appoint a referee, the Governor of the State shall appoint one for such company, and the company shall be bound by his action; if the two referees cannot agree, they shall select a third man, who shall take the oath required of the two by this act; and the journal of the board, which shall contain all of the evidence considered by the board, shall be turned over to him, and he shall constitute the third referee; and the agreement of any two of the three shall constitute the award and judgment of the board. The Attorney General of the State shall represent the State before the board of referees; and if the persons selected as referees should, from any cause, fail or refuse to act, the Comptroller and company shall select others, or either may select; and

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they shall conclude their labors in thirty days from the day of their selection.

Clause 12. If any of the specifications or objections of the Comptroller and justice are sustained by the referees, the company thus placed in default shall pay all of the expenses of the board, and one-half of one per cent. on the amount of their tax due by such corrected list, which said sums of money shall be added to the aggregate amount of the taxes due the State, and collected as such tax, and so paid into the treasury. The cost and all expenses of the board of referees shall be certified to the Comptroller by the Attorney General, and the certificate of the Attorney General shall be sufficient authority for the Comptroller to draw his warrant on the Treasurer for the payment of the expenses of such commission. If the referees should overrule the objections and specifications of the Comptroller and justices, then in that event the State pays all the expenses of the board.

Clause 13. The referees shall receive six dollars per day for their services while engaged on said board, and five cents per mile for each mile traveled, going and returning from their home to Austin, by the usually traveled route; witnesses the same mileage as the referees, and three dollars and fifty cents per day for each day's attendance, including the time necessarily occupied going and returning from Austin, counting each thirty miles traveled one day. The clerk of the board shall receive, for the time employed, the same wages he receives in the Comptroller's office; provided, he shall in no case be paid twice for the same time. Sheriffs and other officers shall receive the same fees as are now allowed by law for the performance of similar duty.

Clause 14. The Comptroller shall, on or before the first day of January in each year, forward to the sheriff of each county in this State, through which any railroad or telegraph company may pass or be situate, enough of the forms he is hereby required to forward and furnish the companies themselves, for such sheriff to make out on said forms duplicate assessments of all railroad and telegraph companies in his county, or who may own a road or line passing through such county. On the receipt of said forms, the sheriff shall at once proceed to make out on said forms, in duplicate, a list in accordance with the requirements of said forms, and

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the instructions of the Comptroller, of the property of such company. The sheriff shall endorse on said list the following statement: "I have made out this list from personal knowledge obtained by inspection and examination. The list of property is correct, to the best of my knowledge and information; and the valuations are, according to my judgment, the fair and reasonable values of such property in the market, or for use, or as an investment;" which statement shall be signed by the sheriff and sworn to before the district clerk of his county. The sheriff shall, on or before the first day of March in each year, return one copy of such list to the Comptroller, and one copy he shall deposit with the district clerk of his county, who shall file the same and preserve it as a public archive of his office. The Comptroller shall file the copy received by him in his office, and the same shall be considered by him and the board of referees in determining on the correctness of any list of any railroad or telegraph company. The sheriff shall receive five dollars per day for his services in making out said list; provided, he shall not receive pay for more than ten days the first year he makes out said list, and for any subsequent year, not for more than five days, the number of days actually engaged to be stated by him under oath; such compensation to be allowed the sheriff by the Comptroller on settlement with such sheriff. If any sheriff shall fail to perform this duty, when required so to do by the Comptroller, such sheriff, so failing or refusing, shall forfeit to the State, for every such failure or refusal, the sum of fifty dollars, to be deducted and held by the Comptroller out of the fees due such sheriff.

Clause 15. The list of every railroad company shall show the number of miles of road on which the iron is laid in each county of this State, including sidings, switches, turnouts and turn-tables, with the value per mile; the number of miles of graded, and on which iron is not laid, including sidings, switches and turnouts, and the value of same per mile in each county; the number of depot houses, section houses, round houses, machine shops, and all other buildings of every description, and the value, and in what county situate; also, the number of engines, other than locomotives, and the value, and the county where situated; also, the amount of machinery, tools and material on hand of every description,

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the value, and county where situated; also, the number of locomotives, cars and rolling stock of every description, belonging to the company, classifying same, giving number and value of each class and kind; also, all real estate, the county where situated, with such description as is required by law, and the value of each tract and lot; also, such other property belonging to such company, including safes and all office furniture, properly describing same, stating value, and county where situated; and in stating values of property, if there is a difference in value of property of the same kind or class, situated in different counties, the actual value of such property situated in each county, and not the average value of the same kind or class, shall be stated. And in the preparation of the forms for the list, the Comptroller shall so prepare them as to distinctly show and specify the particulars herein mentioned, and to cover and include such other miscellaneous property as may be taxable, in such manner and form as to the Comptroller may seem proper.

Clause 16. Telegraph companies shall show in their lists the number of miles of wire in each county in the State, and whether there are one or more wires to the mile, and the value for each wire per mile; also, the number of offices in each county of the State, and the value of the furniture in each; also, the number of buildings, and the amount of land on which the same is situate, if they own it (and proper description of the land, as is required by law), in each county in the State, owned by them, and the value; also, the number of batteries and apparatus for telegraphing in each county in the State, and value of same in each county; also, any other taxable property owned by them, county where situated, and value in each county; and the Comptroller shall so prepare the forms as to cover any other particular not here mentioned.

Clause 17. If any railroad or telegraph company in this State, or doing business in this State, shall fail or refuse to return their lists, as in this act required, on or before the first day of March in each and every year, the Comptroller shall immediately transmit the necessary blank forms for such lists, with the necessary instructions, to the several justices of the peace in each county of this State in which or through which any railroad or telegraph line may be or pass; and the instructions of the Comp-

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troller to such justices, with this act, shall govern said justices in the discharge of their duty; such justices of the peace, immediately on the receipt of the necessary forms, and instructions of the Comptroller, shall proceed, without delay, to assess all of the property of any railroad or telegraph company situate in their respective precincts, and enter the same, with the proper valuations, on the forms, in accordance with the same, and conformable in every particular to the instructions of the Comptroller, which lists shall be made out in duplicate, signed officially by the justice, and who shall indorse thereon the same oath required of the sheriff in clause fourteen of this section; such justice shall at once transmit one copy of such list to the Comptroller, the other he shall deposit in the office of the district clerk of his county, who shall file and preserve the same as a public record. If the Comptroller is satisfied with such lists for any company, when received by him, he shall approve the same, and they shall stand for the lists of such company. If he is dissatisfied with any or all of such lists of any company, he shall note his objections and specifications, as in the case of lists returned by the companies themselves; and to correct the same, the same proceedings shall be had as in the case of lists returned by companies themselves in case of disapproval of the Comptroller. The justices for this service shall receive the same compensation allowed sheriffs, in clause fourteen of this section.

Clause 18. When the list of any railroad or telegraph company has been approved by the Comptroller, or corrected by the board of referees, the Comptroller shall proceed, on the aggregate established values of such lists, to ascertain all State taxes levied by any law of this State on such property and value, for each and every current year, and endorse such taxes on said list. The Comptroller shall, also, upon the value of all of the property, as shown by such list to be situate in each county in this State, belonging to any railroad or telegraph company, add the value of such portion of the entire value of all the rolling stock of any railroad company as shall be proportionate to the number of miles of any railroad in such county, and this shall be the sum on which the Comptroller shall ascertain all county taxes levied by such particular county for each current year on such property and value; and the Comptroller shall endorse on each

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list the amount of taxes due by such railroad or telegraph company to each particular county for the current year. It shall be the duty of the presiding justice of each county in this State, through which any railroad or telegraph line may pass, or be situated, to certify, on or before the first day of May of each and every year, to the Comptroller, all of the general and special taxes that are, by law, levied in such county for such year, on the property and values in such county.

Clause 19. The tax of every railroad and telegraph company shall be due and payable on the first day of July of each and every year, and may be paid by such companies to the Comptroller; but if not voluntarily paid by such companies, by the time aforesaid in each and every year, the Comptroller shall forward to the sheriff of any county in this State, through which such road or line may pass or be situated, a statement of the amount of the tax due the State from such company for the current year, with an order that he proceed to collect said amount of tax due the State, and his legal fees for collecting the same, by a seizure and sale of the property of such defaulting company sufficient to pay such tax and his legal fees for collecting the same; and the Comptroller shall forward to the sheriff of each county in this State, in default of payment to him, as is provided in this clause, a statement of the entire amount of tax for the current year due each county respectively from any such defaulting company, railroad or telegraph, with an order to the sheriff to collect the tax due his county from any such company, with his legal fees for collecting, by seizure and the sale of the property of such defaulting company sufficient to pay the taxes due such county, with legal fees for collection, under the order from the Comptroller. The sheriff shall not be allowed to seize and sell any real estate, but the sale of real estate for taxes due from railroad or telegraph companies for taxes shall be regulated and governed by the general law of this State governing the sale of real estate for taxes; but the statement and order of the Comptroller of the taxes, directed to any sheriff, for State or county taxes due from any railroad or telegraph company, shall be a legal and valid basis and foundation on which to institute proceedings to sell and condemn land for any defaulting taxes due from any such company. The seizure and sale here

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authorized on the statement and order of the Comptroller, for any defaulting taxes due from any railroad or telegraph company, for State or county taxes, shall be regulated and governed by the rules of law governing the seizure and sale of personal property as on execution from the courts of this State.

Clause 20. If the taxes due the counties respectively, from any railroad or telegraph company, are paid by such company to the Comptroller, he shall deposit such money with the Treasurer of the State, to the credit of the proper county; and shall then draw his warrant on the treasury for the amount, in favor of the county treasurer, and forward the same to the proper address of said treasurer; and shall, at the same time, forward a certified statement to the presiding justice of the county, of such taxes, stating the various kinds of tax, and the amount of each, and that for the amount of such tax he has drawn his draft on the Treasurer of the State in favor of such county treasurer.

Clause 21. In the event of the list of any railroad or telegraph company is disapproved by the Comptroller, such company and the Comptroller may, by mutual agreement, at any time before the referees have assembled to consider of the same, correct and reform the same, or agree as to what shall constitute the list of such company; and in this event the Comptroller shall endorse the facts on such list, with his approval, and the same shall stand as the list of such company.

Clause 22. That all steamboats, sail boats, and other water crafts engaged in trade within the State, on the rivers, bays or waters thereof, be and they are hereby made liable to taxes as other property, and shall be rendered for taxation in the county where the owner resides, or where his principal office (if there be any on shore) is situated; and when the owners or agents of such shall fail, neglect or refuse to render for taxation, or pay the taxes on any such steamboat, sail boat, or other water crafts, the collectors of taxes are authorized to proceed to collect the same by such process as is authorized for the collection of the taxes on personal property.

Sec. 22. That any tax on real or personal property, when due and unpaid, may be collected by the sheriff or his deputy, or by the county treasurer, in case it is coun-

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ty occupation tax, by levying on and seizing any personal property belonging to such defaulting tax payers, not exempt by law, from taxation, or so much thereof as may be necessary to pay the tax or taxes due by virtue of the assessment; and when personal property is so levied upon and seized, it shall be advertised and sold, unless the tax or taxes due are paid, as in case of personal property levied upon under execution. But before said sheriff or his deputy shall resort to any summary or compulsory process, he shall post, or cause to be posted, suitable notices throughout his county, at at least three public places in each precinct, stating the day or days and place or places in each precinct where he will be present for the purpose of receiving the taxes; and it shall be his duty to be present at the times and places stated in said notice; provided, it shall be no excuse to any person not paying his tax as the law requires, that the sheriff shall fail to advertise and fill such appointments.

Sec. 23. When any person, firm, corporation or association shall fail or refuse to pay the tax due from and payable by them, in accordance with the requirements of law, whether such taxes be State or county, or whether they are general or special, or whether such tax be a poll, ad valorem, occupation, license or income tax, and whether such person or persons, firm, corporation or association, be known or unknown, resident or non-resident, and there shall be no personal property belonging to such person or persons, firm, corporation or association, in the county where such tax is assessed, or is due and payable, out of which such tax can be made by the sheriff, or other collecting officer, then the sheriff of the county where such tax is assessed, or is due and payable, shall enter all of such taxes on a delinquent list, stating the name of the person or persons, firm, corporation or association from whom such taxes are due and payable, if known, with the place of their residence, if known if the residence or name of such persons are unknown, then the name and residence of the agent or attorney, if known; and if such sheriff knows of any personal property belonging to such person or persons, firm, corporation or association, subject to the payment of such taxes in this State, he shall state the same in said list, with the county where it is situated If any of the delinquent taxes are upon property not rendered by the owner, his agent or

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attorney, but rendered and assessed by the officers of the law, he shall state such fact in said list, and shall also enter a brief description of the personal property so assessed, with the number of acres, name of the original grantee, and, if patented, the abstract number of the patent of all land so assessed, or if town lots, the number of lot and block; and when such list is so completed he shall certify that the same is correct, under his hand, and forward a copy thereof to the Comptroller, reserving a copy, which he shall file in the office of the district clerk of his county. On the reception of such delinquent lists from the Comptroller, should it appear therefrom, or from the records of his office, that any of the defaulting tax payers on said list are the owners of any personal property in any other county in this State, subject to the payment of such tax, he shall at once certify to the amount of the tax so due and unpaid, as appears from such list, and forward the same to the sheriff of the county where such personal property is situate, with an order to such sheriff to seize and sell so much of the property of such defaulting tax payer as may be necessary to pay said taxes, all interests on same, and all costs and fees accruing; and such sale of personal property shall be on the same terms as all other sales of personal property authorized by this act; and the order of the Comptroller shall be full authority for such sale. The Comptroller shall charge the sheriff to whom he forwards such order with all taxes and interest on same included in said order; and said sheriff shall pay said taxes, when collected, into the treasury, on the deposit warrant of the Comptroller; and all county taxes thus deposited shall be placed by the Treasurer to the credit of the proper county; and the Comptroller shall draw his warrant for the same in favor of the county treasurer of such county. If no personal property can be found by the officers out of which to make the taxes due from such delinquents, then the Comptroller shall, at such time and in such manner as may be prescribed by law, order the sheriffs of the proper counties to collect such delinquent taxes by sale of real estate; provided, the delinquent taxes, as appear to be due the State, county, general and special, and interest due on same, may be paid into the treasury on the Comptroller's deposit warrant, at any time before proceedings are instituted to sell real estate to pay the same; and the

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Treasurer's receipt shall be evidence of such payment for any delinquent taxes in any court of this State; and county taxes paid into the treasury shall be disposed of in same manner as those paid in by sheriffs. The Comptroller shall receive no moneys due the State for taxes of any kind, but all such moneys shall be paid into the treasury upon the deposit warrant of the Comptroller, which said deposit warrant shall be in triplicate, one to be retained by the Comptroller, one by the Treasurer, and one by the person paying the tax; and the last named deposit warrant shall be receipted by the Treasurer for the full amount so paid in; and on the presentation thereof, so receipted, to the Comptroller, he shall indorse thereon, or attach thereto, a statement signed by him descriptive of the property on which said taxes have been paid, and for what years paid.

Sec. 24. Any person, firm or corporation who shall render for taxation, and shall pay the taxes, State and county, due thereon, and shall, in addition thereto, pay thereon five times the amount of State, county and special taxes so assessed and paid, one-fourth of the State tax to be applied to the school fund, shall by so doing be fully acquitted and discharged from all claims and demands upon the property so paid upon, for all back taxes of every sort and description whatever, whether the same be State or county; provided, no person shall be required to pay more taxes than are actually due, and the Comptroller shall thereupon, on demand, give the person so paying a deposit warrant or warrants, which, when receipted by the Treasurer and indorsed by the Comptroller, as required in section twenty-three of this act, shall be received in all courts as full and conclusive proof that the real estate paid upon is free from all claim for taxes that may have accrued prior to the date thereof. And where real estate has been sold for taxes, the delinquent is required, in addition to pay the above back taxes, to pay to the party, or his heirs or assigns, who purchased the same, the amount of purchase money paid by such party, with simple interest thereon at the rate of twenty per centum per annum, until repaid or deposited to the credit of the purchaser, or his heirs or assigns, in the Treasury; and a purchaser of real estate at a tax sale is hereby held to be vested with a lien to secure the same; interest shall not run from and after such deposit in the

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State Treasury, and the deposit shall, ipso facto, operate as a release of the lien hereby create; provided, that the provisions of this section shall not be so construed as to include and apply to land sold under the provisions of any previous law for the sale of lands for taxes, where the same were purchased by individuals and not redeemed, according to the provisions of said laws.

Sec. 25. That it shall be the duty of every sheriff to forward to the Comptroller, every three months, a statement, in writing, of all moneys collected by him for State taxes, stating from whom such taxes were received; and he shall, on or before the first day of June and December in each and every year, pay over to the Treasurer of the State all moneys collected by him for State taxes. It shall also be the duty of said sheriff, every three months, to return to the county treasurer of his county a statement, in writing, of all amounts collected for county taxes, what amounts received in money and what amounts received in county liabilities, if any, which are by law receivable in payment of county taxes, and who from; and he shall also pay over to the county treasurer of his county, every three months, all county taxes collected by him in the money and county liabilities, received by him as aforesaid, in the proportion that he received the same from the tax payer, and when not otherwise ordered, he shall pay over to the county treasurer all funds or county liabilities received by him, at least every three months from and after the first day of January, 1874.

Sec. 26. That no allowance shall be made any sheriff in the settlement of his accounts for insolvent tax payers, unless he shall present a list, certified to by the County Court of his county as being a correct copy of the list of such insolvent tax payers, allowed by the court and filed in the office of the district clerk; and said sheriff shall afterwards collect, if practicable, the taxes due from such persons named in said list, and make return thereof according to law as other taxes.

Sec. 27. That every sheriff, in a settlement of his account with the Comptroller, shall be entitled to a compensation on amount by him collected and paid into the Treasury for the use of the State, of eight per cent. on all sums of one thousand dollars and less; five per cent. on all sums of two thousand and more than one thousand dollars; four per cent. on all sums not over five thousand

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nor less than two thousand dollars; three per cent. on all sums over five thousand and less than ten thousand dollars; and one per cent. on all sums over ten thousand dollars; and on a settlement of his accounts with the county treasurer of his county, one-half of the like per cent. on the amount collected by him and paid into the treasury for the use of the county. Sheriffs or their deputies shall be allowed and paid for distraint under this act, what they are allowed and paid for like services in civil suits, to be paid by the delinquent; and shall also be allowed and paid mileage, at the rate of ten cents per mile for every mile necessarily and actually traveled by them in going to and returning from the capital, in order to make his annual settlement, and pay into the treasury the taxes collected by him; that justices of the peace who assess the property shall be allowed and paid a commission of five per cent. on the first five thousand dollars of taxes assessed by them, and three per cent. on all sums over five thousand dollars of tax so assessed, and half the above rates to be allowed and paid for assessing other taxes than the direct ad valorem State tax, and shall be allowed no other fees or commissions; provided, it shall be the duty of the sheriff to pay into the treasury, on the deposit warrant of the Comptroller, all moneys due the State, as shown by his quarterly reports; provided, that the fees for assessing taxes in no county in this State shall exceed the sum of twenty-seven hundred dollars for any one year, nor shall the fees for collecting the taxes paid to the sheriff for any one year, in any county in this State, exceed the sum of three thousand dollars; and provided further, that of the whole amount due for assessing the taxes for any one year, in any county in this State, the State shall pay two-thirds, and the county one-third; also, the State and county shall pay at the same rate for collecting the taxes for State and county. The amount due by the State for assessing in any county in this State, to each justice respectively, shall be settled by the Comptroller drawing his warrant in favor of each justice respectively, on the Treasurer of State, which said warrant shall be paid by the sheriff of the county out of the first State taxes collected by him on such assessment; and the sheriff shall be allowed to retain his commission in his hands for collecting; provided, if in any county in this State commissions allowed by this act, on the whole

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amount of taxes, would exceed the maximum amount allowed to such sheriff for collecting the taxes by this act, he shall only be allowed to retain in his hands three-fourths of the fees due him, till he makes final settlement for all taxes for said year, with the State and county.

Sec. 28. That any person wishing to engage in any vocation, occupation or calling, on which a tax is levied or imposed by law, shall, before engaging therein, pay to the sheriff of the county in which such vocation, occupation or calling is intended to be pursued, the amounts of taxes imposed for the use of the State, and to the county treasurer the tax imposed for the use of the county, bythe County Court, and any other taxes to the officer entitled to receive the same; and the receipts thereof from said sheriff and treasurer, and other officer, shall entitle such person to pursue such vocation, occupation or calling during such period authorized by law, as may be covered by the amounts of said receipts; provided, that no person shall be authorized to pursue any vocation, occupation or calling, for a shorter period than three months.

Sec. 29. That when any person shall fail or refuse to pay the tax contemplated by the preceding section of this act, before engaging in any such vocation, occupation or calling, on which such tax is imposed, it shall be the duty of the sheriff, and he is hereby required forthwith to levy on any property of such person to be found within his county, sufficient to pay the amount of such tax for one year, and all costs. and sell the same at public auction to the highest bidder, for cash, after advertising the same for ten days, by putting up a notice thereof at the court house door, and three other of the most public places in the county.

Sec. 30. That if, from any cause, the taxes of any county in this State are not assessed and collected by the time prescribed in this act, said taxes shall be assessed and collected as soon thereafter as possible; and no person shall suffer any of the penalties herein imposed from any failure caused by such unavoidable change of time; but any person who shall fail to render his or her assessment list, and pay their taxes, when the same might have been done within the period so designated by the Comptroller, shall incur all the penalties of this act.

Sec. 31. That if, from any cause, the sale of property seized for taxes shall not take place at the time first ap-

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pointed, the sheriff shall appoint some other time, give the like notice, and proceed to sell such property in the manner prescribed in the first section of this act.

Sec. 32. That when any property shall be advertised and sold for taxes, due by the owner thereof, as in cases of sheriffs' or constables' sale under executions, such sale so made shall be deemed and held to convey title to the purchaser thereof to all intents and purposes, as title is or can be conveyed at sale under lawful execution. That each sheriff in this State shall, within twenty days after he shall have received notice of his election, and before entering upon the duties of his office as collector of taxes, give bond in such form as the Comptroller shall prescribe, payable to the State of Texas, in a sum at least equal to the amount of taxes assessed the previous year in his county, with three or more good and sufficient sureties, to be approved by the County Court of his county, and shall take and subscribe the oath prescribed by the Constitution, which, together with said bond, shall be recorded in the office of the clerk of the District Court; said bond shall be conditioned that the sheriff shall faithfully discharge all the duties required of him as collector of taxes for and during the full term for which he was elected; and said bond shall not become void on the first recovery, but suit may be maintained thereon until the whole amount thereof be recovered. Any sheriff may be required to give a new bond, or additional or other security; and when so required he shall suspend the duties of his office as collector of taxes until said new bond or additional securities are given; and on failing to give the same within twenty days from notice, which notice shall be given by the County Court, he shall be dismissed from office, but shall perform the duties of his office until his successor shall have qualified. Any sheriff may appoint a deputy to collect from the entire county, and when so appointed, said deputy shall give bond, as required above in case of sheriffs. In addition to the bond above specified, the sheriff shall also execute a bond, payable to the County Court, naming the members thereof, and their successors in office, in a sum equal to double the probable amount of the county, special and other taxes of the county, with two or more good and sufficient sureties, to be approved by said County Court; and no person shall be received as a surety for an amount

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greater than the value of his property, after deducting all exemptions and legal liabilities, which amount shall be stated under oath; said bond shall be deposited in the office of the clerk of the District Court, and by him duly recorded. Said bond shall be conditioned that the sheriff shall faithfully discharge all the duties required of him by law as collector of taxes, and shall make settlement with the County Court and county treasurer for all moneys that may have come into his hands belonging to the county, at least every three months, or oftener if so ordered by the County Court; and said bond shall extend to the faithful performance of his duties for the full term for which he was elected, and shall not be void upon the first recovery; provided, the County Court may, in its discretion, require a new bond at any time, which shall be a lien on the property of the principal.

Sec. 33. Instructions to carry the provisions of the Constitution, in relation to taxes and this act, into effect, and supplementary thereto, shall be prepared by the Comptroller of Public Accounts, and forwarded to the several justices of the peace and sheriffs throughout the State, to enable them the better to carry out the provisions of this act.

Sec. 34. That it shall be the duty of the several justices of the peace in this State, under the provisions of this act, or any law of this State in force at the time, under the instructions of the Comptroller, on or before the first day of January, A. D. 1874, to make a supplemental assessment of all property not rendered for taxation, under the assessment for the present year, in their respective precincts, or property assessable in the same; and there shall be taken upon the rolls all unrendered lands, stating the owners of same, if known; if not known, such fact shall be stated; all of which property, not rendered by the party, with the assessed value, shall be returned to the Comptroller, on or before the first day of January, A. D. 1874. When so returned, if any of said property shall appear to be rendered and assessed in any other county, such property shall be checked off of said roll. It is hereby made the duty of the Comptroller to furnish the justices of the peace in due time with the proper blank forms for all assessment rolls, and to furnish the several sheriffs of this State with a sufficient number of blank tax receipts. For each abstract forwarded under this act

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to another county, the justice of the peace forwarding same shall be entitled to a fee of forty cents; and for each of said abstracts received, assessment made, and returned, the justice so doing shall be entitled to a fee of forty cents; these fees shall be added to the tax, and paid by the person against whom the tax is assessed, and such fees shall be paid by the State, and the certificate of the justice to whom they may be due and the sheriff of his county that the same are correct, shall be sufficient authority for the Comptroller to draw his warrant on the State Treasurer for the amount in favor of the interested party.

Sec. 35. That this act shall not be so construed as to invalidate any assessment already made in any county in this State; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed. That this act shall take effect and be in force from and after its passage.

Approved May 31, 1873.

CHAPTER LXXXIV.

An Act granting the Right of Way to the United States of America for the construction of a Coastwise Canal along the coast of Texas, through the inland waters and mainland thereof

Section 1. Be it enacted by the Legislature of the State of Texas, That a right of way of three hundred feet in width is hereby granted to the United States of America, for the purpose of constructing a coastwise canal from the eastern boundary line of the State of Texas, on Sabine lake, to the western boundary line of said State, on the Rio Grande river.

Sec. 2. That where said canal shall pass through any of the public domain of the State of Texas, that the same is hereby ceded to the United States aforesaid; without charge.

Sec. 3. That where such canal or line that may be established for the construction of said canal by said United States, shall pass through private property, the United States shall have the right to acquire and own the same, and take possession thereof for the uses and purposes aforesaid; and the said United States may proceed to

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have the same appraised and condemned to and for the uses and purposes aforesaid, in the manner and under the restrictions required by law for the condemnation of private property for public use.

Sec. 4. That copies of this act, duly attested, shall be furnished by the Governor of this State to the President of the United States, and that he may be and is hereby requested to lay the same before the Congress of the United States, with the request that they will take the same into favorable consideration.

Sec. 5. That this act is granted and passed with the distinct proviso that the same shall be accepted by the United States; and with the further proviso that the United States shall survey and define the line and route of the said canal, and commence work thereon within two years from the first Monday in December, A. D. 1873.

Sec. 6. That duly attested copies of the vote upon the passage of this act in the Senate, and in the House of Representatives of this State, be in like manner forwarded to the President of the United States.

Sec. 7. That this act shall take effect and be in force from and after its passage.

Approved May 31st, 1873.

CHAPTER LXXXV.

An Act to create and define Clay Land District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Clay, Archer, Wilbarger, Witchita, Baylor, Knox and Hardeman shall hereafter constitute the Clay Land District, and that the surveyor of Clay county shall be the surveyor of said district.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the House in which it originated, with his ob-

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jections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LXXXVI.

An Act to effect a Loan to meet Deficiencies in the Revenue.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of this State shall, in person, or by agent appointed by him, sell three hundred and fifty State bonds, issued under "An act providing for the issuance and sale of the bonds of the State, for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier," approved August 5th, 1870, and now hypothecated with Williams & Guion, in the city of New York, and the remaining fifty bonds issued under said act. And he shall also sell the five hundred bonds of one thousand dollars each, issued by the State of Texas under an act entitled "An act authorizing a loan to meet deficiencies in the revenue of the State," approved December 2d, 1871, and now on deposit with the "Farmers' Loan and Trust Company," in New York city. But that there shall be no more of the bonds engraved, printed or issued under the act last recited; and the plates shall be destroyed, in the presence of the Governor, or his agent, in sixty days after the passage of this act, and a certificate of the fact, signed by him, filed in the office of the Comptroller for safe keeping.

Sec. 2. That the faith and credit of the State is hereby pledged for the payment of the principal and interest of the bonds to be sold under the provisions of this act, according to their tenor and effect, and the laws under which they have been respectively issued.

Sec. 3. That the Governor shall have authority, in person, or by agent duly authorized in writing, signed by him, to sell the said bonds at such times, in such quantities and at such prices as he may deem the best for the interest of the State; and he may allow an agent such per cent. on the amount he may realize and account for on said bonds, as compensation for his services and ex-

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penses, as he may deem just and proper, not to exceed two per cent.

Sec. 4. The Governor, in person, or by agent duly authorized, may make settlement with Williams & Guion, and pay off the amount that may be due them out of the proceeds of the first sales made of any of the bonds aforesaid; take up or sell to them, or others, the said bonds hypothecated with them; provided, the Governor shall first approve any settlement and payment made as aforesaid by agent. The Governor, or his agent, shall not sell or otherwise dispose of any of the ten per cent. currency bonds issued under an act entitled "An act to authorize the Governor to prepare and issue bonds to an amount sufficient to meet any deficiencies in the receipts of revenue for the year[s] 1871 and 1872, and also provide for payment of said bonds and interest thereon," approved May 19th, 1871, and show hypothecated with Willians & Guion, but if redeemed from them the same shall be canceled and destroyed at the Comptroller's and Treasurer's department; and the corresponding entries thereof shall be made in the books of said departments. Nor shall the Governor, or any agent, sell or in any way recognize as valid the forty-three (43) bonds, or either of them, issued under the last recited act, and claimed to have been fraudulently obtained from Raymond & Whitis; and provided further, that nothing in this act is intended, nor shall it have the effect, to alter or change the contract or agreement, or the terms thereof, under which the said Williams & Guion hold the said bonds, hypothecated with them as aforesaid. Nor shall their rights, or authority over them, be hereby increased or diminished, except in so much as they may hereafter assent to; or a settlement and payment be made with them as herein provided. If a settlement be made with said Williams & Guion, and payment made to them as here provided for, a statement of the settlement shall be made, and list of the bonds sold, when and to whom sold, and at what price; from which the amount used in said settlement and payment was procured. This statement and list shall be sworn to, if made by an agent, and filed with the Comptroller; and the Comptroller, with the Treasurer of the State, shall make the proper entries in the books of their departments. But should the said Williams & Guion fail or refuse to make a settlement, or to

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accept payment as aforesaid, within ten days after the offer or tender is made, then the Governor, or his agent, holding the funds shall forthwith turn over to the Treasurer of the State all the said money received and held by him for that purpose, less his compensation aforesaid, accompanied by a statement (and if an agent, under oath,) of a list of bonds sold, to whom, when and at what price. And it is made the duty of the Governor or agent to pay over to the Treasurer of this State forthwith, all the proceeds of the sales of the bonds which he may receive, less the per cent. allowed said agent, accompanied with a statement like the one prescribed above, except what may be used in the settlement and payment of the debt of Williams & Guion, if any, as above provided; and the Comptroller and Treasurer shall make the proper entries in the books of their departments.

Sec. 5. That the proceeds of the sales of the said bonds, when paid into the Treasury as aforesaid, shall then be applied to the payment of all claims upon the State arising upon appropriations made by law for the support of the State Government (except claims and appropriations for common schools.)

Sec. 6. That the sum of five hundred dollars is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay the expenses that may be created under this act, and not provided for herein.

Sec. 7. That all laws and parts of laws in conflict with this act are hereby repealed; and that this act take effect from and after its passage.

Approved May 31, 1873.

CHAPTER LXXXVII.

An Act making Appropriations for the Support of the State Government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any moneys in the State Treasury

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not otherwise appropriated, for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874:

Executive Department.

For the year ending August 31, 1873.—Salary of Governor, $5000. Salary of Private Secretary, $2000. Salary of one clerk, $1600. Recovering fugitives from justice, $20,000. Publishing proclamations, $2500. Telegraphing, $1250. Books and stationery, $500. Postage, wood and contingent expenses, $900. Gardener and porter, $1020. Salary of clerk, $1500. Repairing fencing of Governor's mansion ground $400. For repairs on Governor's mansion, $400. For furniture for Governor's mansion, $500.

For the year ending August 31, 1874.—For salary of Governor, $5000. For salary of private secretary, $2000. Recovering fugitives from justice, $20,000. Publishing proclamations, $2500. Telegraphing, $1250. Books and stationery, $500. Postage, porter hire, wood and contingent expenses, $900. Salary of clerk, $1500.

State Department.

For the year ending August 31, 1873.—Salary of Secretary of State, $3000. Salary of chief clerk, $2000. Salary of three clerks at $1500 [each], $4500. Salary of State Librarian, $1200. Books, stationery and printing, $2000. Telegraphing, $1000. Postage, porter hire, wood and contingent expenses, $500. For printing reports of heads of departments, and public officers and Governor s messages, $5250.75. For printing general and special laws and journals of the Thirteenth Legislature, $30,000. For printing and distributing blank forms, registration certificates and election proclamations, $1500. For distributing general and special laws, $1500.

For the year ending August 31, 1874.—Salary of Secretary of State, $3000. Salary of chief clerk, $2000. Salary of two clerks, at $1500 [each], $3000. Books, stationery and printing, $1000. Postage, porter hire, wood and contingent expenses, $500.

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Comptroller's Office.

For the year ending August 31, 1873.—Salary of Comptroller, $3000. Salary of chief clerk, $2000. Salary of one accountant, one book-keeper and one tax clerk at $1800, $5400. Salary of one corresponding clerk, $1600. Salary of three assistant clerks, at $1400 each per annum, $4200. Salary of two extra clerks, at $1400 each per annum, $2800. Salary of two clerks, at $1300 each per annum, $2600. Salary of two additional clerks at $1500 each, $3000. Books and stationery, $2000. Printing, binding, etc., $2000. Printing bills, contingent expenses, $4000. Printing, binding and distributing forms, tax laws and receipts, etc., with instructions and current printing, $9000. Telegraphing, $250. Postage, porter hire and wood, $1400. Salary of pension clerk, $1500.

For the year ending August 31, 1874.—Salary of Comptroller, $3000. Salary of chief clerk, $2000. Salary of one accountant, one book-keeper and one tax clerk, at $1800 each per annum, $5400. Salary of one corresponding clerk, $1600. Salary of three assistant clerks, at $1400 per annum, $4200. Salary of two extra clerks, at $1400 each per annum, $2800. Salary of two extra clerks at $1300 each $2600. Books and stationery, $2000. Printing, binding, etc., $2000. Printing bills, contingent expenses, $4000. Printing, binding and distributing forms, tax laws and receipts, etc., with instructions and current printing, $9000. For telegraphing, $250. Postage, porter hire and wood, $1400. Pension clerk, $1500; Provided, that all printing for the Comptroller's office shall be done by the State Printer.

Treasury Department.

For the year ending August 31, 1873.—Salary of Treasurer, $3000. Salary of chief clerk, $2000. Salary of book-keeper, $1600. Salary of one additional clerk, $1500. Books and stationery, $300. Salary of night watchman, $1000. Porter hire, $200. Postage and wood, $500. For repairs to the office, window-blinds, and other necessary repairs, $200.

For the year ending August 31, 1874.—Salary of Treasurer, $3000. Salary of chief clerk, $2000. Salary of book-keeper, $1600. Books and stationery, $300.

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Pay of night watchman, $1000. Porter hire, $200. Postage and wood, $500.

General Land Office.

Salary of Commissioner, $3000. Salary of chief clerk, $2000. Salary of receiver, $1800. Salary of one examining, one file, and two corresponding clerks, at $1600 per annum, $6400. Salary of one recording and four patenting clerks, at $1500 each per annum, $7500. Salary of two assistant clerks, at $1400 per annum, $2800. Salary of Spanish translator, $1800. Salary of photographer, $1800. Salary of chief draftsman, $1800. Salary of two compilers, at $1700 each per annum, $3400. Salary of four assistant draughtsmen, at $1600 each per annum, $6400. Salary of four additional assistant draughtsmen, at $1600 each per annum, (employed under law of May 22, 1871), $6400. Deficiency of four additional assistant draughtmen, being salary from May 1, 1872, to September 1, 1872, $2080. Books, stationery and furniture, $5000. Postage, porter hire, wood and contingent expenses, $2000. Chemicals, etc., for photographic room, $1000. Deficiency for stationery, books, etc., for 1871 and 1872, $2000. Salary for the ten clerks and five draughtsmen, additional force allowed by act of the present Legislature, from the first of April, 1873, to the first of September, 1873: five draughtsmen, at $1600 each per annum, $3333.33; ten clerks, at $1500 each per annum, $6250.

For the year ending August 31, 1874.—Salary of Commissioner, $3000. Salary of chief clerk, $2000. Salary of receiver, $1800. Salary of one exeamining, one file and two corresponding clerks, at $1600 each per annum, $6400. Salary of one recording and four patenting clerks, at $1500 each per annum, $7500. Salary of two assistant clerks, at $1400 each per annum, $2800. Salary of Spanish translator, $1800. Salary of photographer, $1800. Salary of chief draughtsman, $1800. Salary of four assistant draughtsmen, at $1600 each per annum, $6400. Salary of four additional assistant draughtsmen, at $1600 each per annum (employed under law of May 22, 1871), $6400. Books, stationery and furniture, $5000. Postage, porter hire, wood and contingent expenses, $2000. Chemicals,

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etc., for photographic room, $1000. Salary for ten clerks and five draughtsmen (additional force allowed by act of the present Legislature), five draughtsmen, at $1600 each per annum, $8000; ten clerks, at $1500 each per annum, $15,000.

Attorney General's Office.

For the year ending August 31, 1873.—Salary of Attorney General, $3000. Salary of two clerks, at $1800 each, $3600. For books, stationery and printing, $1000. Postage, wood and contingent expenses, $400. Fees in felony cases, $1000. Contingent expenses of Auditorial Board and salary of auditing clerk, $1500. For taking depositions for and against the State, $250.

For the year ending August 31, 1874.—Salary of Attorney General, $3000. Salary of two clerks, at $1800 per annum, $3600. For books, sttionery and printing, $1000. Postage, wood and contingent expenses, $400. Fees in felony cases, $1000. Contingent expenses of the auditorial board, and salary of auditing clerk, $1500. For taking depositions for and against the State, $250.

Adjutant General's Department.

For the year ending August 31, 1873.—Salary of present Adjutant General from November 15, 1872, to August 31, 1873, $2383. Salary of one clerk, $1500. Salary of one clerk from first day of September, 1872, to the thirty-first day of August, 1873, $1500. Salary of one clerk from the first day of September, 1872, to the first day of June, 1873, at $1400 per annum, $1050. For postage, porter hire, books, stationery and contingent expenses, etc., $1000. For books, blanks, stationery and printing, $1500. For salary of one clerk, $1800. For telegraphing, wood and contingent expenses, $500. For postage, $400. For porter hire, $300. Rent of houses for arms and military stores, $750. Military storekeeper, $1000.

For the year ending August 31, 1874.—Salary of Adjutant General, $3000. Salary of one clerk, at $1800, $1800. Postage, porter hire, books, stationery and contingent expenses, $600. Rent of house for arms and military stores, $750 Military storekeeper, $1000.

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School Department.

For the year ending August 31, 1873.—Salary of Superintendent of Public Instruction, $3000. For books, blanks, stationery and printing, $1500. For postage and porter hire, $1000. For contingent expenses, wood, furniture and telegraphing, $600. Fees of scholastic census takers, $10,000. For salaries of school supervisors to May 31, 1873, $7950. For printing blanks, $308. (The appropriations under the head of "School Department" to be paid out of the income of the school fund, and the receipts from taxes properly belonging to the school fund.) Amount due president of board of examiners, $84. Salaries of clerks, to thirty-first of August, 1873, $7926.66. For printing blanks and forms, $500.

For the year ending August 31, 1874.—Salary of Superintendent of Public Instruction, $3000. Salary of one clerk, $1800. For books, blanks and stationery for the office of the Superintendent of Public Instruction, $5000. Fees of scholastic census takers, $10,000. For salaries of teachers of public free schools, $500,000.

Lunatic Asylum.

For the year ending August 31, 1873.—Salary of Superintendent, $2500. For provisions and freights, $18,000. For dry goods and clothing, $6000. For fuel and forage, $2000. For furniture, $3000. For medical supplies, $1200. For lights, $950. For laundries, $800. For tools and blacksmithing, $300. Salary of assistant physician, $1000. Salary of steward, $1200. Salary of bookkeeper and treasury, $1200. Salary of matron, $900. Salary of seamstress, $240. Salary of night-watch (male), $480. Salary of chief attendant, $360. For eight assistant attendants, at $300 each, $2400. For four dining-room attendants, at $300 each, $1200. Salary of first cook, $480. Salary of second cook, $360. Salary of first laundress, $300; for four assistants, at $200 each, $800. For five laborers, at $300 each, $1500. For one carpenter, $600. For one baker, $600. For one painter, $420. For one gardener, $480. Salary of night-watch (female), $300. For assistant seamstress, $200. For one teamster, $300. For two farm hands, at $240 each, $480. For postage and stationery, $300. For garden implements

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and seeds, $300. For transportation of patients, $500. For contingencies, $500. For the erection of additional buildings, $50,000. Total .....

For 1874.—Same as above, (omitting appropriation for buildings.)

Blind Asylum.

For the year ending August 31, 1873.—For salary of Superintendent, $2000. For dormitory and workshop, $5000. For dining- room, kitchen and closets, $2600. For furniture, $1280. For support of Institution, $13,600. For purchase of additional grounds, and to inclose the same, $3500.

For the year ending August 31, 1874.—For salary of Superintendent, $2000. For support of institution, $20,000.

Deaf and Dumb Asylum.

For the year ending August 31, 1873.—For salary of Superintendent, $2000. For support of the Asylum, $15,000. For furniture, $800.

For the year ending August 31, 1874.—For salary of Superintendent, $2000. For support of the Asylum, $15,000. Completing repairs, $5000. Enclosing grounds by good fence, $5000.

Judiciary Department.

For the year ending August, 31, 1873.—For salary of three judges of Supreme Court, $13,500. For salary of three clerks to the judges, at $1200 each, $3600. For pay of sheriff, $1000. For blank books and stationery, $800. For clerks' fees in felony cases, $1000. For porter hire, $300. Librarian Supreme Court, $400. For salary of thirty-five district judges, $122,500. For salary of one criminal judge, $3500. For salary of thirty-five district attorneys, $42,000. For salary of one district attorney of Criminal Court, $1200. For costs to be paid sheriffs, clerks and attorneys in district courts, $30,000. For fees of justices of the peace and other peace officers, and district attorneys in criminal prosecutions, $20,000. For publishing reports of Supreme Court, $14,000. For furniture of Supreme Court room, $1000.

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For the year ending August 31, 1874.—For salary of three judges of the Supreme Court, $13,500. For pay of sheriff, $1000. For blank books and stationery, $800. For postage and contingent expenses, $800. For clerks' fees in criminal cases, $1000. For porter hire, $300. For salary for each judge of each judicial district in this State, $3500. For salary of one criminal judge, $3500. For salary of each district attorney of this State, $1200. For salary of one district attorney of Criminal Court, $1200. For costs to be paid sheriffs, clerks and attorneys in district courts, $20,000. For fees of justices of the peace and other peace officers, and district attorneys in criminal prosecutions, $20,000. For publishing reports of Supreme Court, $10,000. Provided, that no district judge shall be entitled to draw any salary under this act after all the counties of his district have been attached to any other district or districts by the Legislature.

Penitentiary.

For the year ending August 31, 1873.—For sheriffs' fees for transporting prisoners to the State Penitentiary, $35,000. (Payments from this appropriation shall be made by the State Treasurer upon the warrant of the Comptroller, in favor of the sheriff, upon an account approved by the inspector of the Penitentiary.)

For the year ending August 31, 1874.—For sheriffs' fees for transporting prisoners to the State Penitentiary, $35,000. (Payments from this appropriation shall be made by the State Treasurer upon the warrant of the Comptroller, in favor of the sheriff, on account approved by the inspector of the Penitentiary.)

Estimate for Bureau of Immigration.

For printing twenty-five thousand pamphlets in English, $2000. For printing forty thousand pamphlets in German, $4000. For printing ten thousand pamphlets in Swedish, $1000. For printing twenty thousand pamphlets in Bohemian, $2000. Compiling English, German, Swedish and Bohemian pamphlets, $1000. Postage in Europe on pamphlets, $1000. Salary of Superintendent, $2000. Salary of clerk to Superintendent, $1200. Salary of agent at Castle Garden, $1500. Salary of agent at Galveston,

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$1500. Salary of agent on European continent, $2500. Office rent for Superintendent and agent, $1000. For postage and stationery, $600. For telegraphing, lights, etc., $250.

Quarantine.

For pay of health officers under quarantine laws at stations on the Gulf coast, $3000.

Miscellaneous.

For payment of attorneys' fees, George F. Moore and Hon. J. J. Durant, in the case of Gray, receiver Memphis and El Paso railroad against the Governor, and Commissioner of the General Land Office, under contract, pursuant to joint resolution, approved March 13, 1871, $5000. For furniture and repairs for the Governor's mansion and mansion grounds (by Sampson & Henricks), $378.15. Richardson, Belo & Co., for printing tax receipts, warrant books, receipt books, etc., $3197. For repairs of public buildings (to be expended under the direction and supervision of the commissioners of public buildings), $10,000. For fencing and ornamenting State cemetery, $500. G. W. Sampson, for expenses incurred under order of Governor E. J. Davis, in the matter of Williams & Guion's claim against the State of Texas, traveling from Austin to New York, $117.05; for eighteen days in New York, at $10.00 per day, $180.00; traveling from New York to Austin, $111.25.

Geological Department.

Fiscal year 1873.—Salary of Geologist, $3000. Salary of Assistant Geologist, $1500. Office supplies, chemicals and contingencies, $500. Total, $5000.

For 1874.—Salary of Geologist, $3000. Salary of Assistant Geologist, $1800. For surveys, laboratory and chemicals, $4000. For traveling expenses, postage, stationery, wood and contingencies, $1200.

Sec. 2. That all printing provided for in this act shall be done by the Public Printer, and this act shall take effect and be in force from and after its passage.

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Approved June 2, 1873, with the exception of the following items, which are disapproved, and are returned to the Senate for reconsideration, to-wit:

Under the head of "Comptroller's office," for the year ending August 31, 1873, the item "salaries of two additional clerks, at $1500 each, $3000." Also, the item, "printing, binding and distributing forms, tax laws, receipts, etc., with instructions and current printing, $9000."

For the year ending August 31, 1874.—The items, "printing, binding and distributing tax laws and receipts, etc., with instructions and current printing, $9000."

Under the Attorney General's Office: "For the year ending August 31, 1873," the item, "Contingent expenses of auditorial board, and salary of auditing clerk, $1500." Also, under the same head, for the year ending August 31st, 1874, the item "Contingent expenses of the auditorial board and salary of auditing clerk, $1500."

EDMUND J. DAVIS, Governor.

CHAPTER LXXXVIII.

An Act to Enable Certain Towns and Cities to Erect Hospitals.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever deemed necessary by the city council, or mayor and board of aldermen, of any incorporated seaport town or city, or any incorporated town or city situated on or at either end of a railroad in this State, and having a population of at least fifteen hundred souls, such council or board of aldermen may have levied and collected, for not exceeding three consecutive years, on all taxable property, real and personal, in such town or city, an amount ad valorem tax not exceeding one-fifth of one per cent., to be appropriated exclusively to the erection of a hospital in such town or city, or the enlargement or improvement of one previously existing; provided, that any town or city availing itself of this provision, shall not collect any tax already provided for in its charter for the same purpose.

Sec. 2. That any hospital erected under this act by any town or city for the benefit of its indigent sick inhabitants, shall also be required, to the extent of its capacity,

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to receive the indigent patients of the county in which such town or city may be situated, whenever officially requested so to do by the proper county authority, at such rate per day or week as may be agreed upon by the town or city council and the County Court. It shall also be the duty of such hospitals, to the extent of its capacity, to receive the indigent patients, when officially requested by the proper county authority, from any adjoining county in which there may be no hospital, at the same rates as may be charged for the patients of the county in which such hospital may be situated.

Sec. 3. That all such hospitals shall be controlled by the council or board of aldermen in which they are situated, subject to any general law of the State now in force or hereafter enacted on the subject.

Sec. 4. That the grounds and buildings, and all medicines, fixtures, furniture, or other property legitimately appertaining to such hospitals, shall be exempt from all State, county and municipal tax; and that this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER LXXXIX.

An Act to Ascertain the Amounts Due to Teachers of the Public Free Schools of This State Prior to the First Day of March, A. D. 1873, and to Provide for the Payment of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of four hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of the available school fund, to pay the amounts that may be due the teachers of the public free schools throughout the State, before the first of March, 1873, and approved as hereinafter prescribed.

Sec. 2. It shall be the duty of the Governor, immediately after the passage of this act, to direct the teachers of the public free schools throughout the State, by proclamation, to forward their claims in person, or by attorney, to the Comptroller for examination, which proclamation shall contain an exact copy of section four of this act, for the information of teachers.

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Sec. 3. It shall be the duty of the Comptroller, ten days after the proclamation of the Governor shall have been issued, to proceed to audit all genuine and just claims of teachers of the public free schools of this State, which have accrued before the first day of March, 1873; and, when audited, the Comptroller shall draw his warrant on the State Treasurer for the amount due each teacher, specifying the month of service, which shall be paid by the Treasurer according to seniority of service; provided, warrants may be paid at any time if sufficient funds be reserved to pay warrants for prior service.

Sec. 4. That the teacher of any public free school in this State, to whom money may be due for service rendered as such prior to the first day of March, 1873, shall present his voucher, duly authenticated, in accordance with law and the rules and regulations heretofore adopted by the Superintendent of Public Instruction for the payment of teachers, to the Comptroller, who shall draw his warrant on the Treasurer for the amount which shall be due on the same; provided, that the assignee of any such voucher shall be entitled to his warrant on the Treasurer in like manner as the original owner of said voucher upon his appending thereto his affidavit, duly authenticated before an officer authorized to administer oaths, that he is the bona fide owner or holder of the same, and that he has received no payment on the same (except as stated in case any payment has been made); provided further, that in case vouchers have not been given for services of teachers, as required by law, accounts may be audited and warrants drawn by the Comptroller for the amount that appears to be due on said accounts, when accompanied by the affidavit of the teacher, duly authenticated before an officer authorized to administer oaths, stating the date, number of days taught, and average number of children taught in each month, and that the same is due and unpaid (except as stated in case payments have been made), which accounts shall also be accompanied by the affidavits of at least two respectable patrons of the school, stating that the services were rendered at the times stated in the affidavit of the teacher; and the officer before whom these affidavits are made shall certify to the credibility of the parties.

Sec. 5. That it shall be the duty of the Comptroller to set apart the appropriation herein made to the several

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counties of this State, in proportion to their scholastic population respectively, taking into the account all moneys heretofore paid to the several counties of this State, or to individuals of any of the counties of this State, out of any of the available school fund, under an act entitled "An act to establish a system of public free schools for the State of Texas," approved August 13, 1870, without reference to the fund that may have accrued from the one per cent tax, known as the school house tax; and upon the estimate so made by the Comptroller the appropriation herein provided for shall be distributed pro rata among the several counties, according to scholastic population, so that each county may receive its pro rata share of the school fund from the passage of said act, in the distribution of this appropriation; and he shall, in drawing his warrants on the Treasurer, state the county for which drawn, and in no case shall he draw for an amount for any county greater, in the aggregate, than the amount set apart to said county under the provisions of this section; provided, that it shall be the duty of the Superintendent of Public Instruction, within ten days from the passage of this act, to furnish the Comptroller with a tabular statement showing the scholastic population of the several counties of this State; and in case no scholastic census has been taken in any county, he shall make an approximate estimate of the scholastic population of said county, as near as may be, from the census of population taken by the United States in the year 1870.

Sec. 6. That it shall be the duty of the Superintendent of Public Instruction, immediately after the passage of this act, to furnish the Comptroller with a tabular statement, showing all payments to teachers, made without warrants previously issued therefor by the Comptroller, specifying the amounts, for what services, and the persons to whom paid; and it is hereby also made the duty of the treasurers of all county school boards, who may have had in their hands any school funds, to immediately forward to the Superintendent of Public Instruction, and also to the Comptroller of Public Accounts, a statement of the amount of school funds received by them, showing all payments made by them to teachers, with the amounts, date of payment, the persons to whom paid, and for what service, which statements shall be verified by the affidavit of the party making it before the clerk of the

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District Court. It is hereby further made the duty of the Superintendent of Public Instruction, immediately on the passage of this act, to notify the treasurers of the several school boards in this State of the requirements of this section; and should any party, whose duty it is to furnish the statement required by this section, fail to do so as herein provided, he shall be deemed guilty of a misdemeanor, and, upon conviction before any court of competent jurisdiction, shall be fined not less than fifty and not more than one thousand dollars, and may be removed from office at the option of the court trying the same.

Sec. 7. Any person swearing falsely in regard to any matter or fact required by this act, shall be deemed guilty of perjury, and, upon conviction, shall be punished by confinement in the penitentiary two years.

Sec. 8. That all laws or parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER XC.

An Act supplementary to an Act entitled "An Act to ascertain the amounts due the Teachers of the Public Free Schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same."

Section 1. Be it enacted by the Legislature of the State of Texas, That if the amount of money that may be set apart to any county under the provisions of the act to which this act is supplementary, shall be more than sufficient to pay the teachers of any such county up to the first day of March A. D. 1873, the excess shall be applied to the payment of teachers in such county up to the first day of June, 1873; subject, however, to the same regulations and restrictions as provided in the act to which this act is supplementary.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER XCI.

An Act creating the County of Wegefarth.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory comprised within the limits hereinafter prescribed shall form and compose the "county of Wegefarth," (so named in honor of C. Wegefarth, president of the "Texas Immigrant Aid and Supply Company;") beginning at the southwest corner of Greer county, on the Prairie Dog Town Fork, of Red River; thence running in a straight line due north with the west boundary of Greer county, sixty miles, to the northeast corner of this county to be created; thence running in a straight line due west to its northwest corner, sixty miles; thence running in a straight line due south to a point established by a monument (due west from the junction of the Frest [Fresh] Water Fork of the Red River with the South Fork of the Red River), and forming the southwest corner of said county, about sixty miles; thence running in a straight line due east, to the junction of said forks of said Prairie Dog Town Fork of Red River with the latter named river; thence following the centre of the bed of said Prairie Dog Town Fork of the Red River to the boundary line west of said Greer and Hardeman counties, to the point or place of beginning.

Sec. 2. That C. Wegefarth, L. P. Sieker and Louis T. Valentine, be and are hereby appointed commissioners, with full power and authority to organize said county of Wegefarth, and locate the county seat of said county. That the commissioners aforesaid shall, as soon as practicable after the passage of this act, lay off the said county of Wegefarth into five justice's precincts, each of which shall constitute an election precinct, and they shall designate one place in each of such election precincts, at which an election shall be held; and shall at the same time select and appoint from among the residents of each election precinct some suitable person to be the presiding officer of such precinct. Thereupon said commissioners, after giving fifteen days' public notice of such election, shall proceed to order an election, on a day by them named, for a clerk of the district court, sheriff, county surveyor, county treasurer, five justices of the peace, and all other

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officers directed by law for the other counties in this State, which notice shall be posted up at the place designated for holding the election in each election precinct in said county specifying the time and place at which such election is to be held, and the officers to be chosen.

Sec. 3. That a registrar of voters for said county shall be appointed by said commissioners, who shall constitute the board of appeals and revision, and shall administer to said registrar the oath prescribed by the Constitution of this State for all officers. It shall be the duty of said registrar to give public notice for fifteen days before the first election, by posting up at least ten handbills at the most noted places in each precinct in said county, setting forth in such notices the times and places in each precinct where he will be to receive the applications of all persons in the county to register as voters therein. He shall begin registration ten days next before the ensuing election, and continue in session at least five days (Sundays excluded), and his office hours shall be at least from eight o'clock A. M. to five o'clock P. M., with a recess of from twelve o'clock M. to one o'clock P. M. He shall receive fifteen cents for each person he may register, or reject, under this act, to be paid by the person registered. The further duties of the registrar shall be such as are now prescribed by law. Provided, that no election shall be held until one hundred and fifty voters are registered in said county.

Sec. 4. That on the fourth day next before the election (Sundays excluded), the board of appeals and revision shall meet at the county seat of said county, and may continue in session for two days. They shall furnish a certified list of the voters in each precinct in said county, to the officers designated by the said commissioners to hold the election in each precinct, and their duties shall be such as are now prescribed by law for the board of revision and correction. Everything not provided for in this act relating to the first registration and first election in said county shall be performed in conformity with existing laws relating to these subjects.

Sec. 5. That the returns of said election shall be made to said commissioners, who shall, within ten days after the election, open them and estimate the result, whereupon they shall issue certificates of election to the persons elected, and make due returns thereof to the Secretary of State, upon receipt of which he shall, without de-

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lay, take the necessary steps to forward commissions of office to the parties duly elected. Any one of said commissioners is hereby authorized and empowered to administer the necessary oaths of office to the county officers who shall be thus elected, and take from them the bonds of office required by law as the law directs.

Sec. 6. That all officers elected as hereinbefore specified shall continue in and exercise the functions of their respective offices for the term of four years from the date of their election, and until their successors shall be duly elected and qualified, unless sooner removed for cause, in conformity with the provisions of the law. That such elected officers may hold two offices, and no more, under the first election; provided, the duties of said offices shall not conflict one with the other.

Sec. 7. That as soon as the said county of Wegefarth has been organized as aforesaid, and the officers of the same thus elected are duly qualified, they shall proceed at once to discharge the duties of their respective offices; and all courts in and for said county shall be held at such place as the commissioners may select until a suitable building for that purpose shall be erected at the county seat of said county

Sec. 8. That said commissioners shall locate the county seat of said county, and designate its name, at whatever point they deem most suitable for the purpose, and best adapted for the interests of the county and of the colony settling therein, having reference to locating it as near the centre of said county as consistent with safety and protection by the colonists from bands of marauding Indians, etc.

Sec. 9. That said commissioners shall have the right to obtain by purchase, upon the faith of the county, or receive by donation or otherwise, at the place selected for the county seat of said county, a sufficient quantity of land, not to exceed six hundred and forty acres, for the erection of public buildings, etc., which land, or a part thereof, may be laid off into streets, blocks and lots, by said commissioners, who, after selecting and setting apart such suitable lots as may be necessary for a court house, jail, public offices, churches, school houses, cemeteries, etc., shall proceed to sell the remainder, or such portion thereof as they may deem necessary, at public auction, at such times and on such terms as said commissioners

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may deem best for the interests of the county. The proceeds thereof, or so much as may be necessary, shall be used by said commissioners for defraying such expenses as the interests of the county may require, and to the erection of necessary public buildings for the use of said county; and should any balance remain unexpended by said commissioners, the same shall be paid over by them to the county treasurer, whenever there shall be one elected. Should all or any portion of said lots be sold on a credit, the commissioners shall hold a lien on the same, to secure the payment of the purchase money, and the reversion of the lands to the county in case of non-payment.

Sec. 10. That the commissioners appointed by this act, before entering upon the discharge of their duties, shall take and subscribe an oath, before some person competent to administer the same, to faithfully and impartially discharge their duties as herein prescribed; and any one of said commissioners thus qualified is hereby authorized and empowered to administer the necessary oaths of office to the other commissioners, the registrar, and other officers whom they may appoint to conduct the registration and election.

Sec. 11. That a majority of said commissioners shall be competent to act in the duties of their appointment, which they shall continue to perform until the County Court is duly organized in said county, when their functions shall cease.

Sec. 12. That said commissioners who shall thus act shall each be entitled to receive three dollars per day, estimating only the time of actual services in organizing said county of Wegefarth, out of the first moneys in the treasury of said county, not otherwise appropriated.

Sec. 13. That said county of Wegefarth be attached to the Twelfth Judicial District of the State of Texas, for judicial purposes, and to the Twenty-second Senatorial District for purposes of representation.

Sec. 14. That all laws or parts of laws conflicting with the provisions herein contained shall be and the same are hereby repealed, so far as relates to the county of Wegefarth, and this act shall take effect and be in force from and after the thirty-first day of May, A. D. 1873.

Approved June 2d, 1873.

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CHAPTER XCII.

An Act to provide for an Investigation of Fires in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever it shall be made to appear by the affidavit of a credible person, that there is ground to believe that any building has been maliciously set on fire, or attempted to be, any justice of the peace, coroner, sheriff or deputy sheriff of the county in which such crime is supposed to have been committed, to whom such affidavit shall be delivered, and who shall be requested in writing by the president, secretary or agent of any insurance company, or by two or more respectable freeholders, to investigate the truth of such belief, shall do so without delay.

Sec. 2. For this purpose he shall possess all the powers conferred upon coroners for the purpose of holding inquests agreeable to the laws of this State.

Sec. 3. The jury, after inspecting the place where the fire was, or was attempted, and after hearing the testimony, shall deliver to the officer holding such inquest their inquisition in writing, to be signed by them, in which they shall find and certify how, and in what manner such fire happened or was attempted, and all the circumstances attending the same, and who were guilty thereof either as principal or accessory, and in what manner. But if such jury shall be unable to ascertain the origin and circumstances of such fire, they shall find and certify accordingly.

Sec. 4. If the jury find that any building has been designedly set on fire, or has been attempted so to be, the officer holding such inquest shall bind over the witness [es] to appear and testify at the next District or Criminal Court. at which an indictment for such offense can be found, that shall be held in the county. And in such case, if the party charged with any such offense be not in custody, the officer holding such inquest shall have power to issue process for his arrest, in the same manner as justices of the peace.

Sec. 5. The officer issuing such process shall have the same power to examine the party arrested as is pos-

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sessed by a justice of the peace, and shall in all respects proceed in like manner.

Sec. 6. The testimony of all witness[es] examined before the jury under this law shall be reduced to writing by the officer holding the inquest, and shall be returned by him, together with the inquisition of the jury; and all recognizances and examinations taken by such officer, to the next District or Criminal Court that shall be held in such county.

Sec. 7. The compensation of the officers and jury making the examination shall be the same as that paid for holding an inquest, so far as applicable, and paid in the same manner.

Sec. 8. This act to take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER XCIII.

An Act to amend article 702 of an Act entitled "An Act to establish a Code of Criminal Procedure for the State of Texas," approved August 26th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 702 of the Code of Criminal Procedure be so amended as hereafter to read as follows: "Article 702. All recognizance, bail bonds, and undertakings of any kind, whereby a party becomes bound to pay money to the State, shall be deemed payable in the legal tender currency of the United States, or in the jury or county scrip of the county where the same is to be paid; and all fines and forfeitures of a pecuniary character shall be collected in the lawful money of the United States, or in the jury or county scrip of the county where the same is to be paid."

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed June 2, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objection thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XCIV.

An Act to secure Uniformity in the Courses and Measurement of Lines by Surveyors.

Section 1. Be it enacted by the Legislature of the State of Texas, That the district or county surveyors of the several counties of this State, in order to secure uniformity in the courses indicted by the difierent surveyors' compasses, or other instruments used within their several jurisdictions, shall, in some convenient place at their respective county seats, establish a true meridian, by a substantial monument, to be erected at the expense of the county, and shall adjust, or cause to be adjusted, to the said meridian all such instruments before being used within their respective jurisdictions; and shall keep in their offices a standard chain of the true measurement of ten varas, to which all chains used by themselves or their deputies shall be adjusted before being used in the measurement of lines of surveys.

Sec. 2. That all surveyors shall be held responsible to parties interested for any cost that may accrue in rectifying any errors that may occur in their work, by reason of neglect or failure to comply with the requirements contained in the first section of this act.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER XCV.

An Act to appropriate three hundred dollars to buy Postage Stamps for the office of Public Instruction.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of three hundred dollars, or so much thereof as is necessary, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to buy postage stamps for the office of Superintendent of Public Instruction.

Sec. 2. That the Comptroller of Public Accounts be and he is hereby authorized and required to issue his warrant upon the Treasurer of the State, in favor of the Superintendent of Public Instruction, for said three hundred dollars.

Sec. 3. That this act take effect and be in force from its passage.

Approved June 2d, 1873.

CHAPTER XCVI.

An Act making Appropriations to pay Salaries of certain extra Clerks in the Comptroller's and Treasurer's offices, appointed to serve during the session of the Thirteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be and he is hereby authorized and required to draw his warrants upon the State Treasurer, in favor of the two extra clerks in the Comptroller's office, and two in the Treasurer's office, appointed under the act passed February 14th, 1873, for and during the session of the Thirteenth Legislature, at one hundred and twenty-five dollars each per month, and that the Treasurer is hereby required to pay the same; and the sum of two thousands dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay the same.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER XCVII.

An Act entitled An Act to amend section[s] thirty-three and three hundred an[d] four of the Act entitled "An Act prescribing the mode of proceeding in District Courts in matters of Probate," approved August 15, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section[s] thirty-three and three hundred and four of the act entitled "An act prescribing the mode of proceeding in District Courts in matters of probate," approved August 15, 1870, be amended so as hereafter to read as follows, respectively:

Sec. 33. When the wife dies, her husband surviving, administration is unnecessary, except as to any separate estate which may have belonged to her. The husband continues to have the same power of disposition over the community property which he possessed during the continuance of the marriage. But he shall be required to return an inventory and appraisement of all such property, and to file a bond, signed by one or more sureties, to be approved by and payable to the district clerk of the county, in an amount equal to the value of the whole of the community property, to the effect that he will faithfully administer the same, and pay over one-half of the surplus, after the payment of the debts with which the whole is properly chargeable, to such person or persons as shall be entitled to receive it; provided, that this section shall not apply to community property of estates where the surviving husband or wife, prior to the passage of the act to which this is an amendment, obtained the right to manage, control and dispose of said community property under and by virtue of the provisions of the act entitled an act supplementary to the act of March 13, 1848, entitled "An act better defining the marital rights of parties," approved August 26, 1856; and such surviving husband or wife shall manage, control and dispose of such community estate, and make settlement and partition thereof, under and in accordance with the provisions of said act, approved August 26, 1856, as though the same had not been repealed.

Sec. 304. All proceedings in relation to the settlement, partition and distribution of estates of deceased

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persons that now remain unsettled in the county courts, when the administration has been commenced, shall be transferred to the District Court of the same county, and shall be concluded under the provisions of this act; provided, this section does not apply to community estates where the surviving husband or wife, prior to the passage of an act to which this is an amendment, obtained the right to manage, control and dispose of the community property without administration; provided further, that no remedy to which a creditor is entitled under the provisions of the laws heretofore in force shall be impaired by this act. Proceedings heretofore had in the county courts, in matters of probate, may be revised by motion in the District Court, specifying the errors or irregularities sought to be corrected, giving ten days' notice thereof to the party or parties adversely interested.

Approved June 2d, 1873.

CHAPTER XCVIII.

An Act to Regulate the Fees to be charged by the Commissioner of the General Land Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to charge and receive for the use of the State the following fees: For certificates for three hundred and twenty acres of land or less, two dollars; for certificates for over three hundred and twenty and up to and including six hundred and forty acres of land, four dollars; for certificates for over six hundred and forty and up to and including twelve hundred and eighty acres of land, five dollars; for certificate[s] for over twelve hundred and eighty acres of land, seven dollars, to be collected for each legal division as herein classified. For patents for three hundred and twenty acres of land or less, five dollars; for patents for over three hundred and twenty and up to and including six hundred and forty acres of land, six dollars; for patents for over six hundred and forty and up to and including twelve hundred and eighty acres of land, ten dollars; for patents for over twelve hundred and eighty acres

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of land and up to and including patents for one-third of a league, twelve and one-half dollars; for patents for over one-third of a league and less than one league and labor of land, fifteen dollars; for patents for one league and labor of land twenty dollars, and for each additional league or fraction of a league, twenty dollars. For copies of any paper, document or record in the Land Office, in the English language, twenty cents per hundred words, and for certificate and seal thereto, fifty cents; for copies of any paper, document or record in the Land Office, in any other than the English language, twenty-five cents per hundred words, and for certificate and seal thereto, seventy-five cents; for each translated copy of any paper, document or record in the Land Office, in any other than the English language, thirty cents per hundred words, and for certificate and seal thereto, one dollar. For statements, sketches, examiations, and other like work, such fees as may be established by the Commissioner of the General Land Office, to be regulated according to the time and labor required.

Sec. 2. The fees prescribed by this act may be paid in the legal tender currency of the United States or other par funds.

Sec. 3. That an act entitled "An act to establish the price of land certificates to be issued by the Commissioner of the General Land Office," passed February 1st, 1850, and an act entitled "An act regulating the fees of the General Land Office," passed February 11th, 1860, and all other laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved June 2, 1873.

CHAPTER XCIX.

An Act to pay Sheriffs for furnishing Blankets, Musquito Bars and Fuel to Prisoners, and for Cleaning and Purifying the Jails.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sheriffs of the several counties shall keep an account of any and all moneys expended by

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them for fuel, mosquito bars and blankets for prisoners, as well also as for cleaning and purifying the jails; and, upon verifying the same, the County Court shall order it paid, if satisfied with the fairness of the same; whereupon the sheriff shall file the same with the district clerk of his county, and get his certificate thereof; and, thereupon, any such sheriff shall be authorized to turn in any such order or certificate to the County Court in settlement with such court of his accounts; and in case he have no funds in his hands belonging to the county, then it shall be the duty of the County Court to pay the same; and should such County Court, or any of the members thereof, fail to provide for the payment of such expenses, then, and in that case, they, and each of them unjustly failing to provide for the same, shall be guilty of non-feasance in office, and, on conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER C.

An Act supplemental and amendatory of "An Act to provide for prompt settlement of accounts by Sheriffs with the State and counties," approved April 28th, 1873.

Section 1. Be it enacted by the Legislature of the State of Texas, That all sheriffs shall be required to pay over to the State and counties every three months, and at the times they make their returns, all moneys in their possession for the State and counties.

Sec. 2. That this act shall not be so construed as to relieve any officer named in the act above recited from any duty therein prescribed.

Sec. 3. That any officer failing to comply with any requirement of this act shall be subject to all the pains and penalties prescribed in said act so recited in the caption hereof; and that this act take effect from its passage.

Approved June 2d, 1873.

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CHAPTER CI.

An Act to amend the first section of an Act entitled "An Act to muster into service Minute Men for the protection of the Frontiers," approved November 25th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of an act entitled "An act to muster into service minute men for the protection of the frontiers," approved November 25th, 1871, be and the same is hereby amended so as to hereafter read as follows: Section 1. Be it enacted by the Legislature of the State of Texas, That whenever satisfactory evidence is furnished to the Governor that any frontier county in this State is suffering from the raids of Indians or other marauding bands, it shall be the duty of the Governor to cause to be mustered into the service of the State, for the protection of such county from raids of such bands of Indians or other marauding parties, a company of minute men; the term of service of such company to be for twelve months; each company to consist of one lieutenant, two sergeants, two corporals and fifteen men.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CII.

An Act to authorize the Judge of the 33d Judicial District to hold a Special Term of the District Court of McLennan County, for the trial of Criminal Causes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Judge of the Thirty-third Judicial District of the State of Texas be and he is hereby authorized to hold a special term of the District Court in and for McLennan county, at the court house thereof, to commence on the fifth Monday after the second Monday in June, and continue in session for three weeks, for the trial of criminal causes.

Sec. 2. That the district clerk of said court shall cause

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a notice of the holding of said special term to be published for three weeks in the newspapers of the city of Waco, prior to the time of holding said court.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CIII.

An Act to better protect the Papers, Record[s] and Files in the General Land Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That any one desirous to examine any of the papers, records and files in the General Land Office, shall first obtain the consent of the Commissioner, or the chief clerk, in writing, so to do, and an order for the detail of a clerk of said office, to be present and superintend such examination; and any person handling or examining any of the papers, files or records in the General Land Office, without the consent of the Commissioner or chief clerk, or without the presence or superintendence of a clerk in said office, detailed for that purpose, shall be guilty of a misdemeanor, and, on conviction before a court of competent jurisdiction, shall be fined not less than one, nor more than five hundred dollars.

Sec. 2. Hereafter any paper or document required or permitted by law to be filed in the General Land Office, shall be endorsed by the Commissioner, or in his absence, by the chief clerk, with ink, "filed," with the date of filing (and if one or more papers constitute a single file, they shall be numbered consecutively), and file number, and signed by the clerk filing same; and on the wrapper or cover containing said paper or file shall be endorsed a list, with the corresponding numbers of the papers contained in said wrapper or cover, and signed by the clerk making same; and hereafter, when an examination is desired by any person other than an employe of the office, the clerk detailed for such examination, before he shall permit such person to handle such paper or files, shall

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endorse, as herein required, on the cover or wrapper of said papers,[1] numbering them as herein required, and sign his name to said list.

Sec. 3. After any examination is made, the clerk in charge of same shall carefully examine the papers of said file, and see that they correspond with the list on the cover or wrapper, and are all in place.

Sec. 4. No transfer or deed that may be a link in any chain of title to any certificate on file in the General Land Office, shall be withdrawn by any one; but the Commissioner shall, on demand, deliver to the interested party certified copies, which shall have the same force and effect as the originals; provided, if, in any suit, there is any question as to the genuineness of any such originals, the Commissioner shall deliver the same to the party to whom the same may be ordered by the court where such suit is pending.

Sec. 5. When the commissioner cancels a patents, or permits the floating of a certificate, he shall not deliver the original certificate, but it shall remain in its original file, but shall give the interested party a copy of the original, under his hand and seal of office, in his certificate, to which he shall state that the original patent has been canceled, or the certificate floated, as the case may be, stating the county where the land is situated covered by said canceled patent or floated certificate, and that the copy is given in lieu of the original, but without any prejudice to the rights of any person by virtue of such patent or certificate.

Sec. 6. Where a certificate has been located in part, the original shall not be withdrawn from the General Land Office, but the commissioner shall deliver to the interested party a certificate for the unlocated balance, stating whether said certificate can be further divided.

Sec. 7. When a certificate has been patented the commissioner shall write in ink across the face of said certificate, "patented," and sign his name to said endorsement; and when a survey has become forfeited and void from any cause, so soon as such forfeiture is discovered, the commissioner shall notify the party interested in such survey or location, of such forfeiture, and no new file or location shall be made on the land covered by such for-

[1]The engrossed bill reads "or file, a list of such paper."

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feited survey, except by the owner of such forfeited survey or location, for a period of ninety days after such notice to the interested party.

Sec. 8. No certificate now on file in the General Land Office, or that may hereafter be filed, copy of same, certificate for unlocated balance, shall be delivered only to the owner or owners, his or their lawful agent or attorney; and when same is delivered to the agent or attorney, the legal authority to receive the same shall be filed with the Commissioner. If the assignee of the original grantee apply for the delivery of any paper, certificate, or copy of certificate, if the evidence of title to the assignee is not already on file in the Land Office, it shall be filed before delivering; the owner shall, by himself or his lawful agent or attorney, file with his other proof of title an affidavit that the party claiming delivery is the bona fide owner; and when the Commissioner has doubts as to identity of parties, or genuineness of any transfer or power of attorney, he shall not deliver to the party claiming until such doubtful matters are made clear, by such additional proof as he may deem just and reasonable, which proof shall be by affidavits, and shall be filed with the Commissioner.

Sec. 9. No paper, certificate, copy or document, other than a patent, shall be delivered by the Commissioner to the owner until he has receipted for the same, in which receipt shall be stated his place of residence, his postoffice, and, if delivered to the agent or attorney, shall state, in addition, their residence and postoffice, which receipt shall be filed by the Commissioner with the other papers.

Sec. 10. Any person demanding personal examination by himself under this act, of any paper or file in the General Land Office, shall, for every such examination, be charged twenty-five cents; and if such examination is protracted to thirty minutes, fifty cents; and for every additional thirty minutes, or fraction of the same, fifty cents. Written applications for examination by the Commissioner shall be charged for as now provided by law; and for all other services required by act, such fees as are now prescribed by law.

Sec. 11. Any clerk or other employe in the General Land Office, who shall accept or receive from any person or persons money or other thing of value, in consideration of services performed in the designation of vacant land, or in discovering and making known to such per-

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son or persons any defects in any file or files, or any paper or document in said office, or who shall perform any work out of office hours, or receive extra compensation in money or otherwise for any work performed in office hours, or who shall handle or interfere with the records and files of said office, except in office hours, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined in any sum not less than one hundred, nor more than five hundred dollars; and, in addition thereto, it shall be the duty of the Commissioner of the General Land Office to immediately discharge such clerk or employe from said office; provided, the business of said office shall be transacted within office hours, except when under the supervision of the Commissioner.

Sec. 12. That the Commissioner of the General Land Office, and the sureties on his official bond, shall be responsible to any party injured by removal, withdrawal or alteration of any record or file in said General Land Office, unless said Commissioner can show that such removal, withdrawal or alteration has taken place by permission of the party owning said file or record.

Sec. 13. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CIV.

An Act requiring the Commissioner of the General Land Office to furnish the Surveyor's Office of Hays County with a Transcript of the Surveys of said County up to 1869, and give original efficacy to them in the Courts.

Whereas, The records of the surveyor's office of Hays county were destroyed by the fire that consumed the court house of said county in 1868; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be required to furnish the surveyor's office of Hays county with a transcript of the records of the surveys of said county up the [to] eighteen hundred and sixty-nine (1869).

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Sec. 2. That said transcript shall have the same force and effect in the courts, as testimony, as the original records.

Sec. 3 That this act take effect from and after its passage.

Approved June 2d, 1873.

CHAPTER CV.

An Act to Change the Line between the Counties of Burnet and Lampasas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the line dividing the counties of Burnet and Lampasas, be and is hereby so altered and changed as to run as follows, to-wit: beginning at the point on the Burnet county line where it crosses Rocky creek, thence up the channel of said creek, with its meanders, to the northeast corner of the James B. Allen survey; thence west to the Colorado river.

Sec. 2. That so muck[h] of the act of February 5, 1852, defining the boundaries of Burnet county, conflicting with this act, be and the same is hereby repealed, and that this act take effect and b in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CVI.

An Act to authorize and require the Adjutant General to pay out certain funds heretofore appropriated for the Frontier Force of the State.

Whereas, Certain parties, while in the frontier service of the State, obtained from merchants and others supplies, horses, and other necessaries, to the full amount of the pay due them, evidences of which appear on the muster and pay rolls of said companies, entered up as stoppages against the parties, and being thus paid in full, neglected and failed to sign the necessary pay vouchers, and have now gone to parts unknown, so that their signa-

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ture can not be obtained; the result of which is, that the parties who furnished to them the necessaries of life are kept out of money justly due; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Adjutant General be and he is hereby authorized and required to pay, out of the fund heretofore appropriated for that purpose, all parties presenting proper evidence of debt, in the form of stoppages in their favor, against any members of the several companies of the frontier forces aforesaid, the amounts thereof; provided, the same does not exceed the amount of pay due said party.

Sec. 2. That where the full amount of pay due any member of any of said companies has been entered up as stoppages in favor of other parties, and he having failed to sign his pay account, that the Adjutant General be instructed to pay said stoppages, the same as though the pay accounts had been signed by the parties.

Sec. 3. That the Adjutant General of the State of Texas is hereby authorized and required to pay over to Mrs. Elizabeth Williams, surviving wife of the late Thomas Williams, deceased, all moneys retained in his hand[s] out of the pay due William Caruthers, George Jackson, Charles Brown, John Horrell and J. E. Henry, members of Company F, of the late frontier regiment, not to exceed seven hundred and fifty dollars, to be used by the said Mrs. Elizabeth Williams to pay off and discharge certain debts due by the said Caruthers, Jack Brown, Horrell and Henry, as principals, and the said Thomas Williams as surety, for horses to ride in said service.

Sec. 4. That the receipts of the said Mrs. Williams, or her agent and attorney in fact, shall be a sufficient voucher, under this act, to authorize the Adjutant General to pay over said money, to be filed in his office as other vouchers.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER CVII.

An Act fixing the number of days the District Court of Leon County shall continue its March Term in each year.

Section 1. Be it enacted by the Legislature of the State of Texas, That the March term of the District Court for Leon county, as now fixed by law, shall only continue in session at said March term in each year for one week.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873

CHAPTER CVIII.

An Act to Prevent the Herding of Stock on certain Lands therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter it shall not be lawful for any person or persons to herd any drove of horses or cattle, numbering more than twenty-five head, upon any land in this State, not his own, situated within one-half mile of the residence of any resident of this State, without the consent of the owner of said land.

Sec. 2. That whenever any person so unlawfully herding horses or cattle shall be requested by any resident of this State, residing within one-half mile of the place where such stock are being so unlawfully herded, to remove the same from such land, and shall fail, refuse, or neglect to remove such stock at once, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court in this State of competent jurisdiction, shall be fined in any sum, not exceeding one hundred dollars, for each hour of delay after notice given.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER CIX.

An Act to amend section ten of an Act entitled "An Act prescribing the times of holding the District Courts in the several Judicial Districts in the State," approved August 10th, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section ten of the above recited act shall be so amended as hereafter to read as follows, to-wit: Sec. 10. That the District Courts of the Ninth Judicial District shall be holden as follows: In the county of Gregg on the last Mondays in January, May and September, and may continue in session one week. In the county of Upshur on the first Mondays in Feb[r]uary, June and October, and may continue in session three weeks. In the county of Wood on the fourth Mondays in in Feb[r]uary, June and October, and may continue in session three weeks. In the county of Rain[e]s on the third Mondays in March, July and November, and may continue in session one week. In the county of Smith on the fourth Mondays in March, July and November, and may continue in session six weeks.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CX.

An Act providing for the Condemnation and Sale of Land for Delinquent Taxes.

Section 1. Be it enacted by the Legi[s]lature of the State of Texas, That the Comptroller of Public Accounts of this State shall, immediately after the first day of January, A. D. 1874, and every five years thereafter, make out a list of all delinquent taxes that are due and unpaid, with interest due thereon at such date, as shown by the records of his office, whether such taxes be general or special, State, or county, assessed on real property, which list shall contain such description of the property on which such taxes have been assessed as may be necessary

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to identify such property, if the records of his office contain such description, which list shall be made out by counties. The list for each county shall contain the delinquent taxes assessed in such county, and due and payable in such county; also, the name of the person or persons, firm, corporation or association against whom such taxes are assessed, and from whom the same are due, if known; if not known, or such persons are non-residents of the State, these facts shall be stated; which said list shall be certified to be correct by the Comptroller, under his hand and the seal of his office; and the Comptroller shall immediately transmit such list to the sheriff of the proper county, with an order to seize and sell any personal property belonging to the delinquent tax payer that may be in his county subject to the payment of such tax, or so much thereof as may be necessary to pay such taxes, interests due on the same, and all costs and fees, for collection; and such sale of personal property shall be regulated by the law governing the sale of similar property, as on execution. On the receipt of such list and order from the Comptroller by the sheriff, if there is no personal property in his county out of which such taxes can be collected, then such sheriff shall deliver such list and order to the clerk of the District Court of his county, who shall file the same; and if the description of the landed estate in such list is not sufficient to identify the same, the sheriff, if possible, shall procure such description as will identify the same, certify under his hand to the correctness of the same, deliver it to the clerk of the District Court, who shall file the same, and when so filed, it shall become a part of the list forwarded by the Comptroller. So soon as the list and necessary description, as herein required, are filed in the office of the district clerk, he shall docket as a sepe[a]rate case the amount of taxes assessed and due from each person, firm, corporation or association, in the name of the State of Texas, against such person, firm, corporation or association. If the owner of the land against which such taxes or any part of them are assessed is unknown, the style of the case shall be "The State of Texas v. An unknown tax payer." So soon as such cases are docketed by the district clerk, he shall at once issue a citation to such person or persons, firm, corporation or association, who may be known, and resident of this State, naming them by the

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name or style by which such delinquent taxes appear to be assessed against them, and which citation shall state the aggregate amount of tax and interest shown to be due by the list on file, and shall command them to apppear and show cause, if any they can, why the State of Texas should not recover judgment for such tax and interest, and sell the real estate on which the said taxes or any part of the same were assessed, to pay said taxes, and all costs of this proceeding. It shall be directed to the sheriff or other lawful officer of the county where the list on file shows such delinquent tax payer to reside, and may be served by reading the same to the defendant or defendants, or by leaving a certified copy of the same at the residence or principal place of business of such defendant; and service on one of two or more delinquent tax payers, or any one member of a firm, or officer or stockholder of a corporation, or any one member of any association, shall be full and complete service under this act to bring all of the defendants to court. And the endorsement on said citation by the sheriff or other officer of "executed," with the date of execution under the hand of the sheriff or other lawful officer, shall be prima facie evidence of full and compl.ete service under this act. In case the delinquents are unknown, or the sheriff or other lawful officer has returned a citation "not found or not known to be in my county," then, in any or all of these cases, the district clerk shall issue a citation, incorporating in said citation the number and style of each case on his docket at the time in which it is not provided in this act that personal service must be had, stating the amount of tax and interest claimed in each case, as appears by the list on file, the name of delinquent, if known, his place of residence, if known, or that it is unknown, commanding such delinquents, or any person interested in the lands on which such taxes are assessed, to appear, and show cause why the State of Texas should not have judgment for such taxes, interest and all costs of proceedings, and decree for sale of the real estate on which said taxes, or any portion of them, are assessed, to pay the same; which said citation shall be directed to the sheriff of the county or other lawful officer where said cases are pending, with an order that he cause a certified copy of the same to be published in some

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newspaper published in said county, for three successive weeks before return day of same; if there be no paper published in the county, then to be published for the same time in the nearest newspaper published out of the county. The sheriff or other lawful officer shall endorse on said original citation "executed in accordance with law, prior to return day," and sign the same officially, and such return shall be prima facie evidence of full and complete service under this act. If the period of publication is not complete by the return day mentioned in said writ, the sheriff may return the same to the next term, and such service shall be good for such term; and the district clerk shall proceed from time to time in this manner, to obtain service from all the cases on the docket of his court, required to be made by publication, including in the same citation all cases ready and requiring such mode of service in the same citation. The court shall allow a just and reasonable fee for publishing each citation, to be taxed in the bill of costs, and to be apportioned between the several cases included in such citation, in such manner as may be just and equitable. At the first term of the court after service is perfected under the provisions if this act, on the fifth day of such term, such tax cases shall stand ready for trial, and no pleadings on the part of the State shall be necessary, further than the filing of the list aforesaid; and such list, and the additional descriptive list, which may be filed by the sheriff under this act, shall be prima facie evidence of all of the facts therein stated. The defendant, in his plea, shall only be permitted to call in question, first, the constitutionality or legality of the taxes sought to be collected, or any of them; second, that all or a portion of said taxes have been paid. Any person interested in the lands sought to be subjected to the payment of the taxes may, by proper plea, make himself a party, and make the same issues as are here permitted to be made by the delinquent himself. On the issue of the payment of the taxes, defendant shall be entitled to a jury, if demanded. The sheriff shall certify on said list before he files the same with the district clerk, that he knows of no personal property in his county out of which he can make the taxes due.

Sec. 2. The judgment of the court, if for the State, shall be for the amount of taxes shown to be due, all interest on same, and for all costs of suit, and it shall be

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stated in such judgment what amount of such taxes is due the State, and what amount due the county, and shall further contain such description of the real estate on which such taxes have been assessed as shall be sufficient to identify the same; also, an order that in consideration of its appearing to the court that the taxes adjudged in favor of the State, or State and county, have been assessed on said lands, or are a lien on the same, or that said lands are subject to payment on same, that so much of the same be sold in manner and form as is required by law in case of sale of real estate on execution, as may be necessary to pay the judgment here rendered, and all costs. If the judgment of the court is against the State, the costs shall be adjudged against the State and county respectively, in proportion to the amount of taxes claimed by each. The cost bill or amount to be paid by the State, certified to by the district clerk, under his hand and seal, and approved by the district judge, shall be sufficient authority for the Comptroller to draw his warrant on the Treasury for the amount in favor of the sheriff, who, when he collects said warrant, shall be officially responsible to the clerk and other parties for their portion of such cost bill paid by the State; the County Court shall audit and pay the amount due from the county. No case under this act shall be continued by either party more than one time. The district attorney shall in all cases under this act represent the State, and in all contested cases, if the State recover, a fee shall be taxed against the defendant of five dollars for the use of the district attorney.

Sec. 3. In all sales of real estate under this act, if the tract contains more than forty (40) acres, the sheriff shall designate a particular corner of such tract, as a commencing point for the land sold, and the sheriff shall state the proposition of sale bidders, first, in this form: "Who will take the least number of acres out of the first forty acre tract, and pay the taxes and costs adjudged?" If a less number than forty, or the forty acres is not accepted, then the sheriff shall offer such forty acre tract to the highest bidder. If the sale of the first tract does not satisfy the execution, then, for the balance due, the sheriff shall offer the second forty acre tract, and proceed with it in the same manner as the first, and so on till the execution is satisfied, or the land exhausted. This shall not apply to any lots in a town or

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city which shall be offered for sale as a whole. Execution, or an order of sale, shall issue and be directed to the sheriff as is required by law in such cases, and shall be executed in accordance with the law regulating the sale of real estate on execution, when not changed by this act. The sheriff shall offer the land for sale in forty acre tracts or less, to be taken as near in a square form as may be convenient or practical, considering the shape of the tract of land from which they are taken; and shall deliver to the purchaser, on the payment of the money, a deed, which shall contain such description as shall identify the land, if the entire tract is included in such deed; if only a portion of the tract is included, then a general description of the entire tract, sufficient to identify it, with a description of the portion sold, so that it can be identified and separated from the remainder of the tract unsold; and such deed shall be prima facie evidence of perfect title to the land included in all the courts of this State; and such deed shall fully authorize the party to have such land surveyed and set apart by the county surveyor; and the field notes made by the county surveyor, under such deed, at the request of the grantee in such deed, or his vendee, shall be prima facie evidence in any court in this State. Any party or person interested in land sold for taxes, may, at any time within twelve months after the day of sale, redeem said land by paying to the purchaser, or to his assignees or vendee, the full amount of the purchase money paid for said land at said tax sale, with one years' interest on same at the rate of twenty per cent. per annum. After the expiration of said twelve months said land can not be redeemed, and the title of the purchaser, his assignee or vendee, acquired by virtue of such tax sale, shall not be impeached or called in question in any of the courts of this State for any cause antecedent to the judgement.

Sec. 4. If there are no bidders for the land ordered to be sold in any particular case, such facts shall be stated in the return of the execution; and the sheriff shall, by virtue of the same execution, advertise the same for sale once in each six months thereafter till the taxes due by said judgment, and all accruing unpaid taxes, are paid and satisfied, or the land sold, making due return of his action on said execution each time. An extra fee of three ($3) dollars shall be taxed in favor of the sheriff, in

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each case, for the additional descriptive list it may be necessary for him to file under this act. He shall account for all taxes collected under this act, as required by law for other taxes; and the comptroller shall charge the sheriff with the amount of taxes due the State and county, as shown by the list he forwards him, and all interest on same. The payment to the sheriff of the taxes due, interest, and all the cost incurred up to date in the proceeding, at any time before the sale of the land, shall operate as a dismissal of the proceeding. If the defendant is dissatisfied with the judgment, he shall have the right of appeal to the Supreme Court, by a compliance with the law regulating appeals from the District to the Supreme Court. The State shall have the right to appeal to the Supreme Court, simply by giving notice in open court of such appeal, which said notice the district judge shall cause to be entered on the minutes of the court. The Comptroller shall be entitled to an additional clerk at a salary of sixteen ($1600) hundred dollars per annum, whose duty it shall be to get up and make out lists of delinquent taxes under this act.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CXI.

An Act to amend "An Act to amend the thirty-sixth (36) section of 'An Act to Organize the Courts of Justice of the Peace and County Courts, and to define their Jurisdiction and Duties'" approved August 13th, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the thirty-sixth (36) section of the above recited act shall be amended so as to hereafter read as follows: Sec. 36. It shall be the duty of the County Court to provide for the necessary books and stationery for the offices of clerks of the District Courts and County Courts; provided, that no printing of any character shall be paid for by the county unless authorized by specific law.

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Sec. 2. That this act take effect and be in force from its passage.

Approved June 2d, 1873.

CHAPTER CXII

An Act making an Appropriation for the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of eight hundred dollars be, and the same is hereby appropriated for postage, fuel and contingent expenses of the Supreme Court, for the fiscal year ending August 31, 1873; and that a further sum of eight hundred dollars be, and the same is hereby appropriated for the same purposes as above enumerated, for the fiscal year ending August 31, 1874.

Sec. 2. That the sum of twelve hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of furnishing and repairing the clerk's office, library, and court room of said Supreme Court. The appropriation contained in this and the preceding section to be paid out of any money in the State Treasury not otherwise appropriated.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved June 3d, 1873.

CHAPTER CXIII.

An Act to amend second section of an Act concerning County Seats, approved May 9th, A. D. 1838.

Section 1. Be it enacted by the Legislature of the State of Texas, That second section of an act concerning county seats, approved May 9th, A. D. 1838, be and the same is hereby amended so as to read as follows, viz: When a majority of all the registered voters of any county shall petition the County Court for a removal of the seat of justice, it shall be the duty of said County Court to order an election for that purpose, giving due notice there-

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of; which election shall be held at the same places, and conducted in the same manner, as elections for State and county officers; and the result of said election shall establish the seat of justice, in accordance with the provisions of the first section of the above recited act.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved June 3d, 1873.

CHAPTER CXIV.

An Act supplemental to an Act entitled "An Act making appropriations for the support of the State Government, for the fiscal year beginning September 1st, 1872, and ending August 31st, 1873; and for the fiscal year beginning September 1st, 1873, and ending August 31st, 1874."

Section 1. Be it enacted by the Legislature of the State of Texas, That the appropriation under the head of "Bureau of Immigration," in the above recited act, is for the fiscal year ending August 31st, 1874.

Sec. 2. That this act be in force and take effect from and after its passage.

Approved June 3d, 1873.

CHAPTER CXV.

An Act for the relief of certain Pre-emption Settlers in Bandera County.

Section 1. Be it enacted by the Legislature of the State of Texas, That all surveys made by Charles de Montel, and by his deputy, Charles Montague, in the years 1867, 1868 and 1869, for pre-emption settlers, in the county of Bandera, be and the same are hereby validated.

Sec. 2. That the Commissioner of the General Land Office is hereby authorized and required to issue patents to the said settlers; provided, however, that in every case the field notes of the said surveys shall first be filed in the General Land Office, together with the affidavit of the pre-emptor, supported by the affidavits of two credible

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witnesses, that he has in good faith occupied and improved the land surveyed for him by the said Charles de Montel, or by his said deputy, Charles Montague, for three consecutive years; and provided further, that the land so claimed is unlocated by virtue of any genuine claim against the State.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved June 3d, 1873.

CHAPTER CXVI.

An Act making an Appropriation for the per diem pay of the Members and the per diem pay of the Officers and Employees of the Thirteenth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of thirty thousand ($30,000) dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the per diem pay of members and the per diem pay of the officers and employes of the Thirteenth Legislature of the State of Texas; provided, that the undrawn balance shall be restored to the general fund.

Sec. 2. That the certificate of the secretary of the Senate, approved by the President thereof, or the certificate of the chief clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and draw his warrants upon the Treasurer for the respective amounts.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved June 3d, 1873.

CHAPTER CXVII.

An Act to make Appropriations to pay the Old Pensions.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five thousand dollars

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($5000), or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the pensions granted before the 13th of August, 1870, and now due and unpaid, and that will become due in 1873 and 1874; and that the Comptroller shall issue warrants on the Treasury of this State, in favor of the pensions for the amount due and to fall due semi-annually, and paid out of the above appropriation.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 3d, 1873.

CHAPTER CXVIII.

An Act to allow the Superintendent of Public Instruction an additional Clerk on and after the first day of September, A. D. 1873.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Superintendent of Public Instruction shall, on and after the first day of September, A. D. 1873, be allowed one clerk in addition to what he is now by law allowed, at an annual salary of one thousand six hundred dollars per annum; and sixteen hundred ($1600) dollars is hereby appropriated out of the available school fund for that purpose.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 3d, 1873.

CHAPTER CXIX.

An Act to provide for the payment of a certain Appointee therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twelve hundred dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the annual salary of the appointee anthorized and required to be appointed by

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the Governor under an act entitled "An act to provide for the safe keeping and protection of the State House," or so much thereof as may include the public halls, the committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State.

Sec. 2. That upon the order of the Governor, the Comptroller shall issue his warrant upon the Treasurer for the payment of said employe, from time to time, as contemplated in this act; and that this act take effect from and after its passage.

Approved June 3d, 1873.

CHAPTER CXX.

An Act to authorize the Commissioner of the General Land Office to furnish Photographic County Maps for the use of the several Counties of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized to furnish to the district clerk of each organized county of this State a revised and corrected photographic map of said county, for the use and benefit of the citizens of said county.

Sec. 2. That when said county clerk shall receive said map, he shall have the same framed and hung in his office, where it may be referred to and consulted by any one; but said clerk shall not permit the said map to be taken out of his office.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved June 4th, 1873.

CHAPTER CXXI.

An Act Regulating Taxation.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be levied and collected

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an annual direct ad valorem State tax of one-half of one per cent. of the cash value thereof, estimated in lawful currency of the United States, on all real property situate, and all movable property owned in this State (except so much thereof as is exempted from taxation by the laws of this State), on the first day of January, A. D. 1873, and on that day in every year thereafter. One-fourth of the aforesaid tax shall be for the benefit of public schools, and three-fourths for the support of the State government, as may be directed by law. Provided, that the tax herein levied shall include all special assessments required by any law now in force to be made by the Comptroller, to provide for the payment of interest and sinking fund on bonds authorized to be issued by the State of Texas under any previous law; and the Comptroller is hereby required to set apart a sufficient per cent. of the tax herein assessed and collected, to cover said interest and sinking fund, and shall make his deposit warrants specifying the same; provided, the interest and two per cent. sinking fund on principal, provided for in this act, on bonds issued under the provisions of the following acts, and no others, to wit: "An act to provide for the issuance and sale of bonds of the State, for the purpose of meeting the appropriation made for maintaining ranging companies on the frontier," approved August 5th, 1870; "An act to provide for the payment of the public debt of the State of Texas," approved May 2nd, 1871; "An act to authorize the Governor to prepare and issue bonds to an amount sufficient to meet any deficiency in receipts of the revenue for the years 1871 and 1872, and also providing for the payment of said bonds, and interest thereon," approved May 19th, 1871 —except forty-three bonds issued under this act, declared by the Governor to be fraudulently obtained and he[l]d; "An act to ascertain the amount of, and adjusting and funding the State debt, and to state any and all accounts between the State and individuals," approved November 9th, 1866; such bonds and certificates validated, and ascertained under this act as were validated under the afore-recited act, May 2nd, 1871, and such other bonds as may be authorized to be issued or sold, by any act of the present Legislature.

Sec. 2. That there shall be levied on and collected from every male person between the ages of twenty-one and sixty years, resident within this State on the first day

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of January, 1873, and on that day in every year thereafter (Indians not taxed and persons insane excepted), an annual poll tax of one dollar each.

Sec. 3. That there shall be levied on and collected from every person, firm or association of persons, pursuing any of the following named occupations, an annual tax (except when herein otherwise provided) on every such occupation or separate establishment, as follows: For selling spirituous, vinous, malt, and other intoxicating liquors, in quantities less than one quart, two hundred dollars; in quantities of a quart and less than ten gallons, one hundred dollars; provided, that this section shall not be so construed as to include any wines or beer manufactured in this State, or when sold by druggists for medicinal purposes; and provided further, that this section shall not be so construed as to authorize druggists to sell spirituous or intoxicating liquors, except alcohol. For selling in quantities of ten gallons and over, one hundred dollars. For every billiard, bagatelle, pigeon-hole, or Jenny Lind table, or anything of the kind, used for pleasure or profit, fifty dollars. From every skating rink use[d] for profit, ten dollars. For every nine or ten pin alley, without regard to any number of pins, used for profit, two hundred and fifty dollars. For every foot peddler, ten dollars in each and every county. For every peddler with one horse or one pair of oxen, in each and every county, twenty-five dollars. For every peddler with two horses or two pair of oxen, fifty dollars in each and every county in which he may pursue such occupation; provided, that nothing herein contained shall be so construed as to include traveling vendors of fruits or fruit trees, or goods or wares exclusively manufactured in this State. For every gift enterprise, five hundred dollars. Every person, firm or corporation who shall sell anything with a promise, either expressed or implied, to give anything in consideration of such sale and purchase, shall be regarded as the proprietor of a gift enterprise. For every theater or dramatic representation for which pay for admittance is demanded or received, for each representation thereof, five dollars; provided, that theatrical or dramatic entertainments given by performers for instructions only, or for charitable purposes, shall not be herein included. For every circus where equestrian performances or acrobatic feats are exhibited,

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for which pay for admittance is demanded or received, for each performance thereof, notwithstanding more than one such may take place daily, twenty-five dollars. For every menagerie, wax work, or exhibition of any kind where a separate fee for admission is demanded or received, ten dollars for every day on which fees for such admissions are received. For every concert where a fee for admittance is demanded or received, five dollars. Entertainments for charitable purposes are exempted. For every hotel in any city or town of three thousand inhabitants or more, fifty dollars; in one of less than three thousand, and more than one thousand inhabitants twenty-five dollars; and for all other hotels, ten dollars. For every cook shop or eating house, in any city or town of three thousand inhabitants or more, fifty dollars; in one of less than three thousand, and more than one thousand inhabitants, twenty-five dollars; and for all other cook shops or eating houses, ten dollars. For every livery stable, in any city or town of five thousand inhabitants or more, fifty dollars; in one of less than five thousand, and more than three thousand inhabitants, twenty-five dollars; in one of less than three thousand and more than one thousand inhabitants, ten dollars; and for all other livery stables, five dollars. From every wholesale merchant, an annual tax of twenty-five dollars. From every first class retail merchant, an annual tax to twenty dollars; from every second class retail merchant, an annual tax of fifteen dollars; and from every third class retail merchant, an annual tax of ten dollars; and from every fourth class retail merchant, an annual tax of five dollars. A wholesale merchant is one whose annual purchases amount to one hundred thousand dollars or more; a first class retail merchant is one whose annual purchases amount to less than one hundred thousand and more than fifty thousand dollars; a second class retail merchant is one whose annual purchases amount to less than fifty thousand dollars, and more than twenty-five thousand dollars; and a third class retail merchant is one whose annual purchases amount to less than twenty-five thousand dollars and more than twelve thousand dollars; and a fourth class retail merchant is one whose annual purchases amount to less than twelve thousand dollars. A merchant is any person or firm engaged in buying and selling

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goods, wares or merchandise of any kind whatever. Every person, firm, or association of persons selling goods by sample, card or otherwise, shall pay a tax of fifty dollars annually to the State, and five dollars to each county in which he may sell such goods; provided, no person, firm, or association of persons selling exclusively goods manufactured in this State shall be considered a merchant. From every traveling person selling or bartering patent rights, fifty dollars. From every traveling person selling patent or other medicines, five hundred dollars; and no traveling person shall so sell until said tax is paid; provided, this tax shall not apply to persons traveling and selling patent medicines to merchants and druggists by the wholesale. From every person, firm or association of persons dealing in stocks or bills of exchange, or discounting paper in any city or town exceeding five thousand inhabitants, an annual tax of two hundred and fifty dollars; and from every such person, firm or association of persons in any city or town of less than five thousand inhabitants, an annual tax of fifty dollars. From every fortune teller, one hundred dollars. From every spiritualist, clairvoyant, mesmerist or medium so called, who plies his or her vocation for money, ten dollars for each and every county. From every person, firm or association of persons, discounting and shaving paper, or engaged in business as money brokers, in any city or town exceeding five thousand inhabitants, an annual tax of one hundred dollars; and from every such person, firm or association of persons in any city or town of less than five thousand inhabitants, an annual tax of twenty-five dollars; provided, that no such person, firm or association of persons, who have paid a tax for dealing out stocks or bills of exchange shall be so taxed. From every life insurance company doing business in this State, an annual tax of five hundred dollars; and in every county in which they may do business, ten dollars. From every fire and marine insurance company doing business in this State, an annual tax of two hundred dollars; and in every county in which they may do business, five dollars; said State tax to be paid by the company to the Comptroller of Public Accounts, whose receipt under seal shall be issued to the company, certified copies of which shall be evidence of payment of State tax, and the county treasurer's receipt shall be authority to work in any county in

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this State; said State tax to be assessed in the county where the principal office of such company is located, and when the principal office is located in another State, to be assessed in the county where the principal or general State agency exists. From every owner or operator of a daguerrean or such like gallery, by whatsoever name called, if in any incorporated city or town of less than five thousand inhabitants, ten dollars; if more than five thousand inhabitants, twenty dollars; and if elsewhere, five dollars. From every auctioneer, an annual direct tax of twenty-five dollars. From every person, firm or association of persons keeping a barber shop, one dollar for every chair therein at which a barber works. From every person, firm, or association of persons, following the occupation of ship merchandise, ten dollars From every person, firm or association following the occupation of cotton broker, an annual tax of fifty dollars. From every pawnbroker, an annual tax of thirty dollars. From every keeper of a public ferry, an annual tax of ten dollars. From every keeper of a toll bridge, an annual tax of ten dollars. From every person, firm or association of persons selling upon commission, an annual tax of fifty dollars. From land agents there shall be collected an annual tax of ten dollars. The term land agent shall be construed to mean any person, or member of a firm or association of persons, performing for compensation any of the following services: Purchasing or selling real estate for others; purchasing or selling land certificates for others; examining into land claims for others. But this term, "land agent," shall not be so construed as to levy any tax in addition to the tax levied on attorneys at law. For every person practicing law, ten dollars. For every practicing physician having a permanent home in this State, ten dollars; and for every physician or surgeon having no permanent home in this State, ten dollars in each county where he may practice his profession. For every dentist, ten dollars.

Sec. 4. That the County Courts of the several counties of this State shall have the power of levying taxes equal to the one-half of the amount of State tax herein levied, except as hereinbefore provided: and provided further, that lawyers and physicians shall be taxed only in the county of their residence; and provided further, that any one wishing to pursue any of the vocations

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named in this act for a less period than one year, may do so by paying a pro rata amount of such occupation for the period he may desire; provided further, that no occupation license shall issue for a less period than three months; and provided further, that the receipt of the proper officer shall be prima facie evidence of the payment of such tax; and provided further, that the provisions of this act shall not be deemed to affect the provisions of any law specially authorizing any County Court to levy a different rate of tax.

Sec. 5. That all licenses taken out, which have not expired at the date of the passage of this act, shall avail the party to whom the same was granted for the full time for which such license was issued.

Sec. 6. That there shall be levied an annual direct ad valorem tax of five cents upon the one hundred dollars on the value of all property subject to taxation, for public roads and bridges, to be applied by the County Court, subject to such regulations as the Legislature may prescribe; also, an annual poll tax of one dollar upon each and every male person between twenty-one and sixty years of age, for the same purpose; and any person taxed with a poll tax shall have the option of working upon said roads or bridges, at the rate of one dollar per day.

Sec. 7. That the taxes levied by this act are hereby made payable in the currency of the United States; provided, that all ad valorem county tax, except that levied in section six of this act, may be paid in the jury and county scrip of the respective counties.

Sec. 8. That it shall be the duty of any person, firm, corporation or association owning any of the property hereinafter mentioned, in this State, on the first day of January of each and every year, to render and return the same for the purpose of taxation, as is required by law, to-wit: First, any patented or titled lands; second, land located and surveyed, and the field notes returned to the General Land Office, or the proper county or district surveyor's office, by virtue of any land certificate, warrant or scrip issued by the Republic or the State of Texas; third, land located by virtue of any pre-emption settlement or claim, if the field notes have been recorded in the office of the county or district surveyor; fourth, all unlocated land certificates, warrants

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or land scrip issued by the authority of the Republic or the State of Texas; fifth, all railroads, railroad fixtures, tools, machinery and material for the construction of railroads; sixth, telegraph lines, and all material and apparatus used in telegraphing; seventh, all ships, steamboats, or other water craft, or boats of any description, whether propelled by sail or steam, or by both; eighth, street railroads, cars and fixtures belonging to the same; ninth, steam engines and machinery of every description, whether propelled by steam, water, or horse, or other motive power, gas works and gas fixtures; tenth, tools and implements belonging to and used by every trade and profession; eleventh, apparatus and machinery, and materials used by every trade and profession; twelfth, buildings of every description, where the ownership of the building is different from the ownership of the soil on [on][1] which such building is situated; thirteenth, leases and rentings of real or personal property when such lease or rent is of the duration of more than one year; fourteenth, State bonds and county bonds given as railroad subsidies, and shares or stock in any banking company or corporation, or fire or life insurance company, bonds of foreign States; fifteenth, ferry boats, ferry privilege where the same is separate from the ownership of the soil, toll bridges, turnpikes, and macadamized roads where the owners are allowed by law to collect toll; sixteenth, safes of every description, and all office furniture; seventeenth, clocks, watches, diamond rings, pianos, all musical instruments of whatsoever name and description, gold and silver plate, and table ware; eighteenth, wagons, buggies, carriages, hacks, carts, drays, and every wheeled vehicle, household and kitchen furniture; nineteenth, firearms of every description; twentieth, cash on hand, and money loaned or deposited at interest; twenty-first, books, pictures and paintings, gold-headed canes, statuary and works of art; twenty-second, horses, cattle, sheep, goats, hogs, mules, jacks, jennets, camels dromedaries and oxen; twenty-third, goods, wares and merchandise of every description, bridles, saddles and harness, gold and silver chains, diamond pins, studs and ear-rings; twenty-fourth, wharves, wharf privileges and ship yards; provided, there shall be exempt from taxation to every head of a family

[1]Repetition in enrolled bill.

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three hundred ($300) dollars worth of household and kitchen furniture; and provided further, that the products of the soil of the previous and current year's growth, while in the hands of the producer, shall not be taxable; and provided further, that books, pictures, paintings, statuary and works of art, belonging to the family, shall not be taxed; and provided further, that institutions of learning, their property, books and apparatus, city or county hospitals, their grounds, medicines, furniture and fixtures, and church property, shall also be exempt from taxation; and the i[e]numeration herein named shall not be so construed as to exclude any other property having an ascertainable value, and which is not specially exempted herein; provided, notes and accounts shall not be included herein, except as specially provided in this section, or any preceding section of this act.

Sec. 9. That all laws and parts of laws in conflict with this act be and are hereby repealed, and that this act shall take effect and be in force from and after its passage.

Approved June 3d, 1873.

CHAPTER CXXII.

An Act supplementary to "An Act Regulating Taxation," passed at the present session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That a tax sufficient to raise an amount sufficient to pay the interest and the two per cent. sinking fund on the frontier bonds, described in the first section of the act to which this is a supplement; said bonds issued by virtue of an act approved August the fifth, A. D. 1870, shall be annually assessed and collected, as well for the present year as for every year hereafter, until said bonds are paid; and it is hereby declared, that for the bonds aforesaid, and for all other bonds mentioned in the first section of the afore-recited act, to which this is a supplement, that all laws and parts of laws authorizing the issuance of said bonds, and providing for the payment of the interest on said bonds, and for the two per cent. sinking fund to liquidate the principal of said

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bonds, are not repealed by the afore-recited act, but are continued in full force and effect; and that the collection of a tax to pay the interest on said bonds, and to create a sinking fund to liquidate the principal, is fully provided for in the one-half of one per cent. tax provided and levied by the first section of said afore-recited act; and it is further declared, that the one dollar poll tax levied by the second section of said afore-recited act is levied and collected solely for the benefit of the common school fund of this State, and shall not be appropriated to any other purpose; and that it is hereby declared that the poll tax levied by the sixth (6) section of said afore-recited act for the benefit of roads and bridges, shall not be levied or collected; and that the repealing section of the afore-recited act, to-wit, the ninth (19[1]) [9] section, does not relinquish the right of the State, counties, or officers, to any back taxes heretofore assessed, or for fees for assessing the same.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 3d, 1873.

CHAPTER CXXIII.

An Act amendatory of an Act to amend an Act entitled "An Act prescribing the times of holding the District Courts in the several Judicial Districts in the State," approved August 10th, 1870, approved April 17th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of the aforesaid amended act, approved April 17th, 1871, be amended to read as follows: That the District Courts of the Fifteenth Judicial District be held as follows: In the county of Webb, on the first Mondays in March, July and November, and may continue two weeks; in the county of Starr, on the fourth Mondays in March, July and November, and may continue one week; in the county [of] Hidalgo, on the fourth Mondays after the first Mondays in March, July

[1]Mistake in enrolled bill.

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and November, and may continue in session one week; in the county of Cameron, on the fifth Mondays after the first Mondays in March, July and November, and may continue in session two weeks. That the unorganized counties of Encinal and La Salle, for judicial purposes, shall be attached to the county of Webb.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 4th, 1873.

CHAPTER CXXIV.

An Act to fix the times of holding the District Court of the 21st Judicial District of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Court of the 21st Judicial District of the State shall be holden at the times hereinafter specified, to-wit: In Colorado county on the first Mondays in October, February and June, and continue in session three weeks, except the month of June, which shall be only two weeks; in Fort Bend county on the fourth Mondays in October, February and June, and shall continue in session two week[s]; in the county of Austin on the second Mondays in November, March and July, and continue in session two weeks; and in the county of Waller on the fourth Mondays in November, March and July, and continue in session until the business is disposed of.

Sec. 2. That for the June term of the District Court of Colorado county, petit and grand juries need not be drawn and summoned as in the ordinary way; but if any prisoner be in jail and not indicted, and wishes his case acted on, or if it be desired to try any case, either civil or criminal, then the court will have a venire facias issued, and a jury summoned to appear forthwith for that purpose.

Sec. 3. That all laws in conflict herewith are repealed. That this act take effect from its passage.

Approved June 4th, 1873.

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CHAPTER CXXV.

An Act to amend the first and fourth sections of an Act entitled "An Act to reduce into one, and amend the several Acts concerning executions," approved January 27th, 1842.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of an act entitled 'An act to reduce into one, and amend the several acts concerning executions," be so amended as to read as follows:

"Section 1. From and after the rising of every court, it shall be the duty of the clerk to tax the costs of suit in every case incurred by the successful party, and issue execution, indorsing thereon the several items contained in the bill of costs, in intelligible words and figures; provided, however, that after twenty days from the date of any final judgment rendered in any suit in the district court of any county where the term continues until the business is disposed of, or for a longer time than three weeks, and from the time of overruling motion for new trial, or motion in arrest of judgment therein, and if no supersedeas bond for appeal or writ of error has been filed and approved therein, execution may be then issued upon said judgment."

Sec. 2. That section four of said act shall be so amended as to read as follows:

"Sec. 4. All executions shall be made returnable on or before the first day of the next term of the court, except in justices' courts, in which they shall be made returnable in sixty days; provided, however, that executions issued from the district court of any county, as set forth in the proviso to the first section hereof, shall be made returnable within sixty, or ninety days, or on or before the first day of the next term of the said court, as may be requested by the plaintiff, his agent or attorney. The defendant, or his agent or attorney, in all cases, shall have the right to designate the property to be levied on; provided, said property shall be in the county where judgment shall have been rendered, or to which execution may be issued; and if the defendant, his agent or attorney, shall fail or refuse to designate the same, it being his own property, then the levy shall be made in

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the following manner: first, on personal or movable property; then on uncultivated lands; and lastly, on improved lands or homestead of the defendant."

Sec. 3. That this act shall take effect from and after its passage.

Approved June 4th, 1873.

CHAPTER CXXVI.

An Act providing the time for holding the District Courts in the Twenty-second Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the Twenty-second Judicial District shall be holden at the times hereinafter specified, to-wit: In the county of Caldwell on the first Mondays in January, April and September, and may continue in session three weeks. In the county of Gonzales on the first Mondays in February, May and October, and may continue in session four weeks. In the county of Guadalupe on the first Mondays in March, July and December, and may continue in session four weeks.

Sec. 2. That all process issued by or from said District Courts is hereby made returnable in conformity to the provisions of this act; and that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act take effect and be in force in thirty days after its passage.

Approved June 4th, 1873.

CHAPTER CXXVII.

An Act to establish, organize and define the powers of the Criminal District Court in and for the Cities of Dallas, McKinney and Sherman.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be established in the city

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of Dallas, in Dallas county, and in the city of McKinney, in Collin county, and in the city of Sherman, in Grayson county, each, a court of original and exclusive jurisdiction in all cases of felony, and concurrent jurisdiction in all cases of misdemeanor, coextensive with the limits of the county wherein said cities are situated. And the judge thereof shall, by virtue of his office, have all the powers and perform all the duties appertaining to judges of district courts within this State, in all criminal matters, and to grant all such writs and process as the district judge can or may do, in the execution of the criminal laws of this State, and shall have and exercise appellate jurisdiction and the same general control over inferior tribunals in said counties, in criminal cases, as now is exercised by said district court. And all appeals from judgments of said court, established by this act, shall be to the Supreme Court, in the same manner as provided by law for appeals in criminal cases from district courts.

Sec. 2. The judge of said court shall have power to grant, on application to him, writs of habeas corpus and mandamus.

Sec. 3. The said court in each city shall have a seal similar to those of the district courts, with the words "Criminal District Court of ..... City," engraved thereon, the blank to be filled with the name of the proper city, an impression of which seal shall be attached to all writs and other process issuing from said court and shall be used in the authentication of all official acts of said courts.

Sec. 4. Said judge shall hold a term of said court in the city of Sherman, commencing on the first Mondays in January, May and September, and in the city of McKinney, commencing on the first Mondays in February, June and October, and in the city of Dallas commencing on the first Mondays in March, July and November, of each year, and to continue four weeks, unless the business is sooner disposed of.

Sec. 5. The practice in the said court shall be conducted according to the laws in force governing the practice of the District Courts, and the rules of pleading and evidence in the District Courts shall govern.

Sec. 6. All criminal business pending in the District Courts of the counties wherein said cities are situated

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shall be transferred to said criminal court at the first term thereof, and after that date said criminal court shall have and exercise exclusive jurisdiction and control thereof the same as if originally instituted in said court.

Sec. 7. There shall be appointed by the Governor, by and with the advice and consent of the Senate, a judge of said court, who shall hold his office for the same period, and under the same salary, and the same rules and regulations, as are now provided by law for judges of the District Courts.

Sec. 8. The clerks of the District Courts and the sheriffs of the counties wherein said cities are situated, and the district attorneys in whose district said cities are situated, shall be the clerk, sheriff and district attorney of said court, under the same rules and regulations as now are prescribed by law for their official acts in the District Courts of the State.

Sec. 9. The judge of said court shall have the same power over the clerk and sheriff as prescribed by law for district judges.

Sec. 10. All laws and regulations of the Code of Criminal Procedure and Penal Code governing grand and petit jurors in general shall be applicable in said courts.

Sec. 11. It shall be lawful for the judge of said court to exchange or alternate with any district judge, as provided by the Constitution and laws of the State of Texas, in all criminal matters; and nothing in this act shall be so construed as to prevent the judge of said criminal court from practicing as an attorney and counsellor at law in civil cases in any of the courts of the State.

Sec. 12. The salary of the judge of said criminal court shall be paid by the counties in which said cities are situated, each county paying its equal proportion of the whole sum.

Sec. 13. This act shall take effect and be in force from and after its passage.

Passed June 4th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and returned by him to the house in which it originated, with his objections thereto, and was passed by a two-thirds vote by both houses of the Legislature, and returned to the office of the Secretary of State

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on the fourth day of June, 1873.—James P. Newcomb, Secretary of State.]

CHAPTER CXXVIII.

An Act making Appropriations to supply the Deficiencies in the Appropriations for the years 1870, 1871 and 1872, for the support of the State Government.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State Government.

Executive Department.

For 1870, 1871, and up the to first of September, 1872, for furniture, and repairs on Governor's mansion and mansion grounds (Sampson & Henrick's), $648.70. For traveling expenses of Executive to New York in reference to bonds, $300.

State Department.

For work on Capitol building in 1870, by A. W. Orr, $53.50. For work done on Capitol building in 1870, by Loomis & Christian, $150. For work done on Capitol building in 1871, by A. W. Orr, $89.50. For work done in Governor's office in 1871, by A. W. Orr, $21. For work and furniture in the Senate chamber in 1871, by C. H. Bley, $238. For balance due on one thousand copies Senate journal of 1871, adjourned session, $347.15. For one thousand copies special laws of Twelfth Legislature, adjourned session, three hundred and twenty pages, $800. For one hundred and eighty seven squares, laws published in the State Journal, at one dollar per square $187. For eight hundred copies Daily Journal, $64. For binding census returns, $400. For binding laws of Twefth Legislature, $440. For work on Capitol, by B. Radky, $105.05.

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Comptroller's Office.

1872—For printing, binding and distributing forms, tax laws, with instructions, and current printing, $5000.

Treasury Department.

1870—For repairs on Treasury building (by Loomis & Christian), $21.87.
1871—For repairs on Treasury building (by Loomis & Christian), $23.50.
1872—For books and stationery, $100.

Deaf and Dumb Asylum.

1872—For support of the institution, $425.75. For repairs of fences and buildings, $2024.25.

Blind Asylum.

1871—For repairs (by Loomis & Christian), $16.
1872—For deficiency in the appropriation for support, $1140.

Judiciary Department.

1870—For material furnished and labor performed on Supreme Court building (by A. W. Orr), $293.90.
1871—For salary of librarian at Tyler, $200. For publishing reports of the Supreme Court, $1868. For costs to be paid to sheriffs, clerks and attorneys for 1870, 1871 and 1872, $37,500. For claim of George Dye, sheriff of Cameron county, $998.60. For fees of justices of the peace and other peace officers in criminal prosecutions for 1871 and 1872, $37,500.

Immigration Bureau.

For deficiencies for agents of Bureau of Immigration at St. Louis, Great Britain, New York and Bremen, salaries and contingent expenses, $8,512.85.

Miscellaneous.

For Contingent Expenses of the Twelfth Legislature,

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1871.—John T. Miller for carriage and horse hire for the funerals of Hons. Amos Clark and Don Campbell, $105.50. For rent of rooms for committee, $35.40. For wood furnished the Senate, $229.50. To Loomis & Christian, assignees of Eli Green, per diem as porter, $40. For A. B. Palm's bill for sundries, $43. C. R. Johns & Co., assignees of J. Schutze, for German papers furnished the Senate, $203. To Wm. W. Gamble and Raymond & Whitis, assignees of A. Faulkner, for per diem and mileage as witness in the investigation of charges against the Superintendent of Public Instruction, $125.75. John D. Elliott, for papers furnished the Twelfth Legislature, $112.08. Tracy, Siemering & Co., for printing 1000 copies message of the Governor, $86. Thomas Beck, porter, per diem, Twelfth Legislature, $50. John Gooden, porter, per diem, Twelfth Legislature, $40. Widow of August Sommer, for work done, General Land Office, 1865 and 1866, $195. S. B. Francis, assignee for J. H. Townsend, for per diem and mileage as witness in investigation of charges against the Superintendent of Public Instruction, $50. W. G. Nolan, for per diem and mileage as witness in investigation of charges against the Superintendent of Public Instruction, $100.

Penitentiary.

For sheriffs' fees for transporting prisoners to the State Penitentiary, for 1870, 1871 and 1872, $25,000. Payments from this appropriation shall be made by the State Treasurer upon the warrants of the Comptroller, in favor of the sheriff, on account stated approved by Inspector of the Penitentiary.

General Land Office.

Deficiencies for 1872—For deficiencies, salary of additional draughtsmen, $2133.33. For stationery for year ending 1872, $2000. For contingencies for 1871 and 1872, $1500.

School Department.

For postage and traveling expenses of twelve supervisors, at $200 each per annum, $1600.

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Lunatic Asylum.

Van Dusen & Co. (bill), $401.90. E. Tips (bill), $91.95. E. Krohn $972.80. Thompson & Fox, $163.82. Sampson & Henricks, $862.23. Wm. Brueggerhoff, $259.60. A. B. Palm, $226.52. J. C. Raymond, $7.85. J. G. Roost, $29.31. W. E. Poole, $73.25. Brown & Lang, $324.70. State Journal, $8. A. Goldman, $28.25. R. Bertram, $239.73. Henry Henricks, $935.89. B. Radky, $425.93. Jones & Stelfox, $508. Loomis & Christian, $182.35. Pay roll for August, 1872, $1046.48.

Sec. 2. When the items, matters of account and sums of money in this act have not been expressly ascertained and fixed by law, the Comptroller shall not draw his warrant for any of said sums of money herein mentioned, or any part thereof, unless the party interested shall make out an itemized account for the same, and shall make oath, before some officer having a seal and authorized to administer oaths generally, that such account is just, that the services charged for or labor performed have been rendered or performed as stated, that the charges are legal and reasonable, and that no part of the amount claimed or charged has been paid; and that if the account or charge is for articles or materials furnished, he shall also swear that the same were furnished as stated, and that the value of same as charged is reasonable and fair, and that no part of the same has been paid. If such oath is not satisfactory to the Comptroller, he may require, and is hereby authorized to require, such additional proof as to the justness of such claim, by sworn affidavit, as he may deem reasonable and proper; nor shall the Comptroller draw his warrant on the Treasurer for any amounts specified in this act, or any part of the same, unless the proof is to his satisfaction, under this section, that the same are legal and authorized by law; provided, this section shall not apply to the appropriation for the payment of clerks, sheriffs and district attorneys mentioned in this act.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved June 4th, 1873.

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CHAPTER CXXIX.

An Act to authorize the Lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease.

Whereas, Under an act entitled "An act to authorize and require the Governor to lease the State Penitentiary, together with the labor of the convicts," approved March 22, 1871, the Governor of the State did, after due advertisement under said act, lease to the firm of Ward, Dewey & Patten, for a term of fifteen years, the said penitentiary and the labor of said convicts, under the terms that the said lessees should pay to the State, for the first five years, five thousand dollars, payable at the end of each succeeding year; for the second term of five years, ten thousand dollars, payable in like manner, and for the third and last term of five years, twenty thousand dollars, payable in like manner; and for each and every year of the whole fifteen years the additional sum of ten thousand dollars for the transportation of convicts from the place of conviction to the penitentiary, together with all salaries of officers of said penitentiary, fees for apprehension of escaped convicts, sums paid to released convicts, and clothing, &c.; and,

Whereas, Under the provisions of said act and lease, said lessees were and are required to keep the buildings of said penitentiary in good repair, and to construct such additional buildings and cells as in the opinion of the directors and lessees may be necessary for the proper accommodation of the employes and convicts; and, with their approval, to erect such other walls and buildings, and make such other changes and alterations in the machinery as may be deemed necessary for the profitable employment of the labor of the convicts, for all of which that may be in excess of the valuation of materials, machinery, money to buy machinery, and property, including walls, buildings and cells, made at the time of making said lease, the State is bound under the provisions of said act and lease to repay to said lessees; and,

Whereas, The cost of said repairs, purchase of machinery, and building of new walls, cells and other improvements deemed necessary for the accommodation and

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profitable employment of said convicts, has far exceeded all estimates made at the time of entering into said lease; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That to further the speedy completion of the improvements in buildings and machinery already commenced upon the State penitentiary by the lessees thereof, the lessees of said penitentiary are hereby authorized to delay the payment of the sum of five thousand dollars in money and of ten thousand dollars in the transportation of convicts to the penitentiary, as agreed upon by them in the lease of said penitentiary, for the years ending July the fifth, 1873, July the fifth, 1874, and July the fifth, 1875, until the expiration of the full term of said lease.

Sec. 2. That at the expiration of said lease of said penitentiary, the amounts of fifteen thousand dollars per annum, for the years ending July fifth, 1873, July fifth, 1874, and July fifth, 1875, which have been charged against said lessees under the provisions of Section 1 of this act, amounting to the sum of forty-five thousand dollars, with interest at seven per cent. per annum on the amount due at the end of each fiscal year, shall be taken into account in the settlement between the State and said lessees, and shall be an offset against the amount of excess due said lessees by the State for improvements done on said penitentiary, if there be any excess due, and if not, said amount of forty-five thousand dollars, or so much thereof as may remain due after final settlement, shall be paid by said lessees to the State.

Sec. 3. That this act take effect and be in force from and after its passage; provided, this act shall not take effect nor be in force unless the sureties on the bonds of the lessees shall, within sixty days from the final passage of this act, file with the Secretary of State their written assent to the extension of time, and that they (said sureties) will take no advantage of this extension. Or said lessees may execute a new bond, to be approved and conditioned as required by law; and in either event this act shall take effect and be in force.

Passed June 4, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the third day of June,

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A. D. 1873, and returned by him to the house in which it originated, with his objections thereto, and was passed by a two-thirds vote by both houses of the Legislature, and returned to the office of the Secretary of State on the fourth day of June 1873.—James P. Newcomb, Secretary of State.]

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RESOLUTIONS.

[No. 1.]

Joint Resolution authorizing the Comptroller and Treasurer each to employ two additional clerks.

1st. Be it resolved by the Legislature of the State of Texas, That the Comptroller and Treasurer be and they are hereby authorized to employ two additional clerks for their respective offices, at a salary not exceeding one hundred and twenty-five dollars, cash, per month, during the present session of the Legislature.

2d. Resolved further, That this joint resolution be in force from and after its passage.

Passed February 14th, 1873.

[Note.—The foregoing joint resolution was presented to the Governor of Texas for his approval on the fifteenth day of February, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

[No. 2.]

Joint Resolution to require the payment of Treasury Warrants without regard to date or number.

Resolved by the Legislature of the State of Texas, That the Treasurer of the State be and is hereby required to pay, on presentation, all warrants drawn by the Comptroller upon appropriations, without reference to their

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respective dates or numbers; and that this joint resolution take effect from and after its passage.

Approved February 19th, 1873.

[No. 3.]

Joint Resolution authorizing the Governor to offer a reward of $5000 for the apprehension and conviction of the murderer of Honorable Louis Frankie [Frankee], and making an appropriation therefor.

Resolved by the Senate and House of Representatives of the State of Texas, That the Governor be and he is hereby authorized to offer a reward of five thousand dollars for the apprehension and conviction of the murderer of the late Hon. Louis Frankie [Frankee], to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved March 4th, 1873.

[No. 4.]

Joint Resolution instructing and requesting our Congressional Delegation to urge upon Congress the survey and construction of a Ship Canal across the Peninsula of Florida.

Whereas, The surplus products of the agricultural and industrial interests of Texas naturally seek the great marts of trade through the ocean routes from our coast; and said routes are rendered longer and more dangerous, and more costly, by necessary navigation around the peninsula of Florida; and

Whereas, It is proposed to construct a ship canal across said peninsula of Florida; and inasmuch as such a canal would shorten the distances from our ports to the ocean ports of the world, and render their navigation shorter, less dangerous and less costly, to the great benefit of all our producing and commercial interests; be it, therefore,

Resolved by the Senate and House of Representatives of the State of Texas, That in view of the facts herein set forth, the Senators in Congress be instructed, and our

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Congressional Representatives requested, to do all in their power to aid in causing a thorough survey to be made of the Florida isthmus by the Federal government, with the view to ascertaining the practicability of the ship canal herein suggested; and if such a channel be found feasible of construction, then to cause the same to be opened by the Federal government at as early a day as the nature of the work will permit.

Approved March 4th, 1873.

[No. 5.]

Joint Resolution in Reference to the Interment of the Texas Soldiers Who Fell at the Battles of Glorietta and Val Verde, and Also of Those Who Were Buried at Socorro, Albuquerque and Santa Fe, in New Mexico, During the Late War.

Be it resolved by the Legislature of the State of Texas, That the Governor of the State of Texas be requested to correspond with the Governor of New Mexico, or other parties, and ascertain whether the remains and bones of the Texas soldiers, who fell at the battles of Glorietta and Val Verde, and also of those who were buried at Socorro, Albuquerque and Santa Fe, in New Mexico, during the late war, require further interment, and that he report the same to this Legislature.

Approved March 14th, 1873.

[No. 6.]

Joint Resolution Requiring Jacob Keuchler, Commissioner of General Land Office, to Cause to Be Published Certain Land Certificates Found in the Office When He Took Possession of Same.

1st. Resolved, by the Legislature of the State of Texas, That Jacob Keuchler, Commissioner of General Land Office, be required to have published in three newspapers within the State, one of which shall be in the city of Austin, one in the city of Galveston, and one in the city of Dallas, giving the number, class, size, date, when and by whom

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approved, and to whom issued, and to whom and when delivered, with the date of same, with their residence, when known, of all land certificates presented to Edward Clark, Commissioner of Claims, and not called for by owners while said commissioner was in office, and by him turned over to commissioner, and found by the present Commissioner in General Land Office when he took possession of the same.

2nd. Resolved, That this resolution take effect from date of passage.

Approved March 14th, 1873.

[No. 7.]

Joint Resolution Ratifying an Amendment to Section Six of Article Ten of the Constitution of the State of Texas, Proposed by Joint Resolution of the Legislature of the State of Texas, Passed May 17th, 1871.

Whereas, The Legislature of the State of Texas, on the 17th day of May, 1871, passed by a two-third vote, a joint resolution proposing an amendment to section six of article ten of the Constitution of the State of Texas; and

Whereas, Said proposed amendment was submitted to the consideration and vote of the people at the last general election held in this State on the 5th, 6th, 7th and 8th days of November, A. D. 1872; and

Whereas, It appears that a majority of those voting upon said proposed amendment, voted in favor of said amendment; therefore,

Be it resolved by the Legislature of the State of Texas, That the said amendment to section six of article ten of the Constitution of the State of Texas, which is as follows: "Sec. 6. The Legislature of the State of Texas shall not hereafter grant lands except for purposes of internal improvement, to any person or persons, nor shall any certificate for land be sold at the Land Office except to actual settlers upon the same, and in lots not exceeding one hundred and sixty acres; provided, that the Legislature shall not grant, out of the public domain, more than twenty sections of land for each mile of completed work, in aid of the construction of which land may be granted; and provided further, that nothing in the foregoing pro-

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viso shall affect any rights granted or secured by laws passed prior to the final adoption of this amendment;" be and the same is hereby ratified as an amendment to the Constitution of the State of Texas.

Sec. 2. That this resolution take effect and be in force from and after its passage.

Passed March 19th, 1873.

[Note.—The foregoing joint resolution was presented to the Governor of Texas for his approval on the twenty-eighth day of March, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

[No. 8.]

Joint Resolution Awarding Winchester Rifles to Certain Persons.

Whereas, the following named citizens of Blanco county, to-wit, W. E. Ingram, D. W. Roberts, Geo. F. Roberts, J. D. Bird, J. T. Bird, J. C. Davison, C. S. Jolley, John Biggs, T. S. Waldrope, James Ingram, Sanford Backness; J. W. Hogg and George Stephens, of Wise county; Creed Roberts, of Montague county, and J. B. Barry, of Bosque county, on the 13th day of August last, attacked thirty-eight Indians, the latter being armed with improved breech-loading rifles; and, after a hotly contested fight, during which the citizens above named, displayed distinguished courage and coolness, the Indians were defeated with the loss of four of their number killed; and

Whereas, such heroic services, voluntarily rendered in defense of their homes, and in behalf of the public safety and welfare, merit the recognition and commendation of the State;

Be it resolved by the Legislature of the State of Texas, That the above named citizens, each, be presented by the State with an improved Winchester rifle, and that the Adjutant General is hereby authorized and required to purchase the necessary number of such rifles, and to fur-

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nish them to the said citizens at as early a day as practicable.

Approved March 28th, 1873.

[No. 9.]

Joint Resolution Instructing Our Senators, and Requesting Our Representatives in Congress, to Secure Telegraphic Communication Between the United States Frontier Posts of This State.

Whereas, instantaneous information of any threatened or actual raid upon, or invasion of our territory by hostile bands of Mexicans or of savages, would render the troops of the United States, stationed along our Mexican and Indian frontier at great distances from one another, much more efficient in their measures of resistance and pursuit, as well as in prevention of crime, by insuring co-operation and swiftness, and such information would also enable those of our citizens who are exposed to the depredations of invaders of our soil, to unite and combine with their neighbors, either for mutual defense or safety, by timely removal of themselves and families beyond reach of danger;

Resolved by the Legislature of the State of Texas, That as one of the means of security to life and property on our Mexican and Indian frontier, our Senators in Congress are hereby instructed, and our Representatives are requeste, by every proper means at their command, to secure at the hands of the government of the United States the establishment of telegraphic communication between the different military posts established, or to be established and occupied by their troops, on the line of the Rio Grande and Indian frontier of this State.

Resolved further, That his Excellency the Governor be authorized and requested to cause to be transmitted to the President of the United States, the General of the Army, the Secretary of War, and to each of our Senators and Representatives in Congress, a duly authenticated copy of this joint resolution.

Approved April 9th, 1873.

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[No. 10.]

Joint Resolution Granting Leave of Absence from the State to I. M. Onins, Judge of the Twenty-eighth Judicial District.

Be it resolved by the Legislature of the State of Texas, That the Hon. I. M. Onins, Judge of the Twenty-eighth Judicial District of this State, have leave of absence from the State of Texas until the first of July, 1873; and that this resolution take effect from and after its passage.

Approved April 24th, 1873.

[No. 11.]

Joint Resolution Granting Leave of Absence from the State to I. N. Everett, Judge of the Twenty-sixth Judicial District.

Be it resolved by the Legislature of the State of Texas, That the Hon. I. N. Everett, Judge of the Twenty-sixth Judicial District of this State, have leave of absence from the State of Texas for one month from the date of the passage of this resolution; and that this resolution take effect from and after its passage.

Approved May 1st, 1873.

[No. 12.]

Joint Resolution instructing our Senators and request[ing] our Representatives in Congress to endeavor to secure the Improvement of the Harbor of Galveston, and requesting for the Memorial of the Mayor and Board of Aldermen of the City of Galveston upon that subject, the Early and Favorable Consideration of the Congress of the United States.

Whereas, On the fifth day of February, A. D. 1872, the mayor and board of aldermen of the city of Galveston adopted a memorial to the Congress of the United States, asking the improvement of the harbor of Galveston; and

Whereas, This Legislature is deeply impressed with

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the value and importance of that improvement to the State at large, and also to a great extent of country beyond the limits of Texas, and therefore regard the prayer of the memorial as eminently entitled to the early and favorable consideration of the honorable body to which it is addressed; therefore,

Be it resolved by the Legislature of the State of Texas, That our Senators in Congress are hereby instructed, and our Representatives are requested, to endeavor to secure an adequate appropriation for deepening and enlarging the harbor of Galveston, and increasing the depth of water on the bar; and that this Legislature most heartily endorses the memorial of the mayor and board of aldermen of the city of Galveston, and requests for the same the early and favorable consideration of the Congress of the United States.

Approved May 3d, 1873.

[No. 13.]

Joint Resolution authorizing Hon. J. G. Killough to draw the pay of the Hon. Louis Francke [Frankee], deceased.

Section 1. Be it resolved by the Legislature of the State of Texas, That Hon. J. G. Killough is hereby authorized to draw the pay of Hon. Louis Francke [Frankee], deceased, from the date of the payment of his last certificate for the remainder of this session, and forward the same to the widow of the deceased.

And be it further resolved, That this resolution take effect from and after its passage.

Passed May 6, 1873.

[Note.—The foregoing joint resolution was presented to the Governor of Texas for his approval on the ninth day of May, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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[No. 14.]

Joint Resolution Memoralizing Congress to Provide for the Improvement of the Entrance into Matagorda Bay.

Whereas, It is of great importance to a large portion of the State of Texas, that commerce through the bay of Matagorda should be facilitated; and,

Whereas, Officers of the Republic of Texas before annexation, and officers of the United States since, have, after examination and actual survey, pronounced it practicable for very limited outlay to deepen the water on Passo Cavallo Bar to at least seventeen feet; therefore,

Be it resolved by the Legislature of the State of Texas, That the Congress of the United States be, and it is hereby requested, if found practicable, after the examination which was ordered by the last Congress, to cause the work of deepening the channel into Matagorda Bay over Passo Cavallo Bar, to be speedily executed; and that the necessary appropriation therefor be made.

Approved May 8th, 1873.

[No. 15.]

Joint Resolution instructing our Senators and requesting our Representatives in Congress to urge upon the Federal Government the propriety of removing certain Tribes of Hostile Indians from the Frontier of Texas.

Whereas, The Federal Government now maintains on the northern frontier of this State an Indian reservation, known as the Fort Sill Reserve, on which the Comanche and Kiowa tribes of Indians are located; and,

Whereas, The said Indians, well armed with repeating rifles and supplied with ammunition, and well mounted, periodically make hostile raids from said reserve into the State of Texas, murdering our citizens, plundering and destroying their homes, and conveying their children into captivity; and,

Whereas, The said Indians, when they have
our frontier, return to the said reserve with their
and captives, and are there protected from pun
and,

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Whereas, There can be no safety or security to life or property upon our northern frontier so long as these Indians are kept in such close proximity to it, and are permitted to retain their horses and arms [e][1]; therefore,

Be it resolved by the Legislature of the State of Texas, That our Senators be instructed and our Representatives in Congress be requested to urge upon the Federal Government the propriety of dismounting and disarming the Indians upon the Fort Sill Reserve, and removing the said reserve to such a distance from our frontier as will make it impracticable for the Indians upon it to raid upon the frontier of Texas.

Passed May 15, 1873.

[Note.—The foregoing joint resolution was presented to the Governor of Texas for his approval on the seventeenth day of May, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

[No. 16.]

Joint Resolution authorizing the Accountants employed by the "'Joint Committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State," to write up and properly balance and adjust the books of the late State Treasurer, Geo. W. Honey, to twenty-seventh of May, 1872, and to perform other duties herein specified; also prescribing the duties of the Comptroller in connection therewith. Therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That C. R. Hughes, Louis T. Valentine and C. H. Randolph, accountants employed by the joint committee of this Legislature to investigate the Treasurer's and Comptroller's offices of this State, are hereby authorized and required to write up all the unsettled accounts of the late State Treasurer, George W. Honey, and to settle and adjust the same, with the Comptroller

[1]Mistake in enrolled bill.

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of the State, in accordance with proper documents and vouchers relating thereto and found in the said Treasurer's office, making necessary record and entries thereof on the books in the Treasurer's and Comptroller's offices. When thus settled and adjusted, in conjunction with the Comptroller, to cause all treasury warrants and coupons pertaining thereto, to be canceled as required by law, and to file with the Comptroller all proper vouchers against unsettled requisitions by said Treasurer.

Sec. 2. That the State Comptroller be, and he is hereby authorized and required to issue to the Governor of this State the necessary deposit warrants, to enable him to properly deposit and place in the treasury, all treasury warrants and money received by the said Governor in exchange for ten per cent. currency deficiency bonds. The amount of treasury warrants and money so received by the Governor, and now in the office of the Treasurer, and for which no deposit warrants have been issued, being about the sum of $127,660.16.

Sec. 3. That the said Comptroller is further authorized and required to issue to the Governor deposit warrants for the proper placing in the treasury all coupons for interest on said bonds so exchanged and paid by the Governor, or by the Farmers' Loan and Trust Company of New York.

Sec. 4. That this Resolution take effect and be in force from and after its passage.

Approved May 27th, 1873.

[No. 17.]

Joint Resolution for the Relief of Rufus A. Upton, late Sheriff of Refugio County.

First. Be it resolved by the Legislature of the State of Texas, That the Comptroller be and is hereby authorized to draw his warrant in favor of Rufus A. Upton, late sheriff of Refugio county, for the sum of one hundred and forty eight and 14-100 ($148.14) dollars, being the amount of delinquent taxes paid by said Upton for said county for the year 1870.

Second. Resolved, That said sum of one hundred

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and forty-eight and 14-100 ($148.14) dollars be and is hereby refunded to said Upton, out of any money in the Treasury not otherwise appropriated, to be paid on the warrant of the Comptroller, as hereinbefore provided; and that this joint resolution shall take effect and be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing joint resolution was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

[No. 18.]

Joint Resolution Authorizing the Governor to effect the Removal of the Indians from the Frontier of this State, and making an Appropriation for that purpose.

Section 1. Be it Resolved by the Legislature of the State of Texas, That the Governor be and he is hereby requested and authorized to urge upon the Federal authorities the necessity for the disarming and dismounting of the frontier Indians, and their removal to a reservation remote from the frontier. For this purpose the Governor is authorized to visit the reservation at Fort Sill, in the Indian Territory; and also, if necessary, to visit Washington City, and consult with the proper authorities.

Sec. 2. That for defraying the expenses incurred in the foregoing arrangement, the sum of six hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of the Treasury.

Sec. 3. That this resolution take effect and be in force from and after its passage.

Approved June 3d, 1873.

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[No. 19.]

Joint Resolution Granting Leave of Absence to the Hon. Moses B. Walker, Justice of the Supreme Court, from the adjournment of the present Term of the Supreme Court to the assembling of the next Term of the same.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Hon. Moses B. Walker, Judge of the Supreme Court, be and he is hereby granted a leave of absence from the State from the adjournment of the present term of the Supreme Court until the assembling of the next term of the same.

Sec. 2. That this joint resolution take effect from and after its passage.

Approved June 3d, 1873.

[No. 20.]

Joint Resolution for the Relief of Mrs. Belle Murray.

Section 1. Be it resolved by the Legislature of the State of Texas, That the per diem pay of J. H.Murray, late doorkeeper of the Senate, be allowed from the date of his last payment to the close of the present session of the Legislature; and that the sum of three hundred dollars, or so much thereof as may be necessary, be appropriated, out of any unappropriated money in the Treasury, to pay the same; and that the secretary of the Senate be required to issue a certificate for the amount to Mrs. Belle Murray, widow of J. H. Murray, deceased, and the Comptroller be authorized and required to draw his warrant for the same upon the Treasurer in favor of the said Mrs. Belle Murray; and that Mrs. Belle Murray be and is hereby authorized to receive from the State any money heretofore due J. H. Murray as salary as assistant doorkeeper.

Sec. 2. That this resolution take effect from its passage.

Passed June 3, 1873.

[Note.—The foregoing joint resolution was presented to the Governor of Texas for his approval on the thirty-

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first day of May, A. D. 1873, and returned by him to the house in which it originated, with his objections thereto, and was passed by a two-thirds vote by both houses of the Legislature, and returned to the office of the Secretary of State on the third day of June, 1873.—James P. Newcomb, Secretary of State.]

[No. 21.]

Joint Resolution.

Resolved by the House of Representatives, the Senate concurring, That the scholastic census takers for the year 1872, who have made their reports in good order to the Treasurer or Superintendent of Public Instruction on or before the first day of March, 1873, shall be regarded as in time, and the State Treasurer is hereby authorized to pay the same as the law directs.

Approved June 4th, 1873.

[No. 22.]

Concurrent Resolution.

Section 1. Resolved by the Legislature of the State of Texas, That the Governor be requested to offer a reward of five hundred ($500) dollars for the apprehension and delivery to the sheriff of Hill county, of John A. Purnell, a defaulter tothe public school fund, and fugitive from several criminal prosecutions for embezzlement.

Sec. 2. That the sum of six hundred dollars, or so much thereof as may be necessary be appropriated to carry out the objects of this resolution.

Approved June 4th, 1873.

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THE STATE OF TEXAS,
DEPARTMENT OF STATE.

I, James P. Newcomb, Secretary of State for the State of Texas, certify that the acts and resolutions contained in this volume are true copies, taken from the originals in the Department of State, with which they have been carefully compared. And I further certify that the first session of the Thirteenth Legislature of said State commenced at the city of Austin on Tuesday, the fourteenth day of January, in the year of our Lord one thousand eight hundred and seventy-three, and adjourned sine die on Wednesday, the fourth day of June, in the year of our Lord one thousand eight hundred and seventy-three.

In testimony whereof I have hereunto signed my name, and have caused the seal of the Department of State [Seal.] to be affixed at the city of Austin, this twelfth day of July, in the year of our Lord one thousand eight hundred and seventy-three.

JAMES P. NEWCOMB,
Secretary of State.

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SPECIAL LAWS

OF

THE STATE OF TEXAS

PASSED AT THE

SESSION OF THE THIRTEENTH LEGISLATURE

BEGUN AND HELD

AT THE CITY OF AUSTIN

JANUARY 14, 1873

AUSTIN
1873

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SPECIAL LAWS OF TEXAS.

CHAPTER 1.

An Act to amend the first section of Article 2 of Title 2, of "An Act to incorporate the City of Galveston, and to grant a new Charter to said City, and to repeal all Acts heretofore passed incorporating said City, which may be in force by virtue of any existing Charter," approved May 16, 1871

Section 1. Be it enacted by the Legislature of the State of Texas, That Section 1 of Article 2 of Title 2, of the Act aforesaid, be so amemded as to read as follows: An election shall be held in each of the wards of the city of Galveston, on the first Monday in March of every year, at such place or places as the city council may direct, and of which thirty days previous notice shall be given by publication in one or more newspapers of said city; said election shall be ordered by the city council or mayor, for the purpose of holding said election, and others ordered. The city council shall appoint annually in April or earlier, in each ward, some competent and suitable person, who shall be the presiding officer at all elections held in his ward. The presiding officer in each ward shall select two judges and two clerks, who, together with the presiding officer, shall be managers of elections. The presiding officer and judges must be qualified voters in the city. The city council shall provide for their compensation, and by ordinance regulate and define their powers and duties, and determine the hours of opening and closing the polls. The mayor, whenever an election is ordered, shall give the required notice, and issue to the presiding officer a writ of election; and every published notice of election shall state the officer or officers to be elected, the place where the election will be held, and the name of the presiding officers thereat. In

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case the officer so appointed is unable, fails, refuses or neglects to act, or the city council have failed to appoint, the mayor shall appoint; and in case no appointed presiding officer appears to open the polls, the attending qualified electors at the place for holding such election may appoint such officer, who shall perform the same duties and shall have like power and authority to act as a first appointee; but in such case the managers, in their returns or otherwise, shall certify that the presiding officer failed to attend, or neglected to act, and that the person acting as such was duly chosen by the electors present; provided, that if from any cause an election cannot be, or is not held on the day aforesaid, such election shall be held as soon thereafter as the order can be made and the necessary notice given; and the city council shall have full authority to designate the day for such election.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved January 30th, 1873.

CHAPTER II.

An Act to incorporate the City of Brenham, and to grant a new Charter to said city.

General Powers and Boundaries.—Article I.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants of the city of Brenham shall continue to be a body politic and corporate, with perpetual succession, by the name and style of the city of Brenham; and as such they and their successors by that name shall have, exercise and enjoy, all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said city, and herein granted and conferred, and shall be subject to all the duties and obligations now pertaining to or incumbent on said city, as a corporation, and may ordain and establish such acts, laws, regulations and ordinances, not inconsistent with the Constitution and laws of this State, or of the United States, as shall be needful for the government, interest, welfare and good order of said body politic; and under

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the same name shall be known in law, and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places and in all matters whatever; may take, hold and purchase, lease, grant and convey, such real and personal or mixed property or estate, as the purposes of the corporation may require, within or without the limits thereof, and may make, have and use a corporate seal, and change and renew the same at pleasure.

Article II.

Section 1. That the bounds and limits of said city shall include four square miles, to be run in accordance with the same points fo he compass used in laying out the original town site of Brenham, of which the centre of the court house square in the city of Brenham shall be the centre; and provided further, that the said limits may be hereafter extended, including and adding more territory to the same, whensover a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city.

Officers and their Election.—Article I

Section 1. The municipal government of the city shall consist of a city council, composed of the mayor and one alderman from each ward, a majority of whom shall constitute a quorum for the transaction of business; provided, that the present board of aldermen shall not be required to reside in different wards. The other officers of the corporation shall be a treasurer, an assessor and collector, a marshal, and such other officers and agents as the city council may from time to time direct. The above named officers (except the mayor, aldermen, marshal and assessor and collector) shall be appointed by the mayor, with the approval of a majority of the city council, at their first annual meeting, or as soon thereafter as possible, and shall hold their offices for one year, and until the election and qualification of their successors.

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Article II.

Section 1. An election shall be held in said city on the first Monday in November, A. D. 1876, and on the first Monday in November of every year thereafter, at such place or places as the city council may direct, and of which thirty days' previous notice shall be given in one or more newspapers of said city, or by posting five written or printed notices thereof in conspicuous places in said city; said election shall be ordered by the city council or mayor. For the purpose of holding said election, and others ordered, the city council shall appoint three competent and suitable persons as judges of said election. The judges of elections shall appoint two clerks or more if necessary. The above named judges, and clerks appointed by them, shall be managers of election in said city. The above named managers of election shall take the same oath as directed for managers in State or county elections, and such addition[al] oath as the city council may prescribe to insure fairness in said election. The above named judges and clerks must be qualified voters in said city. The city council shall provide for their compensation, and by [1][by] ordinance regulate and define their powers and duties, and determine the hours of opening and closing the polls. The mayor, whenever an election is ordered, shall give the required notice, and issue to the judges a writ of election, and every published notice of election shall state the officer or officers to be elected, the place where the election will be held, and the name of the judges thereat. In case the judges so appointed are unable, fail, or refuse or neglect to act, the mayor shall make another appointment, and in case no appointed officers to act as judges appear, or should any of the judges fail to appear to open the polls, the qualified electors may appoint such officer or officers, who shall perform the same duties, and shall have like power and authority to act as a first appointee or appointees; but in such case, the managers, in their returns, or otherwise, shall certify that the appointed officer or officers failed to attend or neglected to act, and that the person or persons acting as such was duly chosen by the electors present. The above officers shall take the same oath as

[1]Repetition in enrolled bill.

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required by the laws of the State or county for officers holding elections. The city council are hereby empowered to lay off said said city into wards whenever they may deem it necessary for the interests of said city, and designate additional voting places, and judges to preside at elections at the same; provided, that the present mayor and board of adermen shall hold their offices for four years from the date of their election. The first election held under this charter shall be held on the first Monday in November, eighteen hundred and seventy-six (1876), and annually thereafter on the first Monday in November.

Article III.

Section 1. At the first election held under this charter, there shall be elected by the qualified voters of said city, voting by ballot, a mayor, who shall hold his office for one year from the date of said election, and until his successor shall be elected and qualified. At the first election under this charter, there shall be elected by the same voters, five aldermen, or if laid off into wards, one alderman from each ward, who shall hold their offices for one year from the date of their election.

Sec. 2. In case the person elected mayor shall refuse to accept the office, the city council, mayor or acting mayor, shall order another election; and in case of vacancy in the office of mayor, by death, resignation, removal or otherwise, it shall be filled for the remainder of the term by a new election, to be ordered by the acting mayor or city council; and in case of a vacancy in the board of aldermen, by a refusal to accept, or to qualify, or by death, resignation, removal or otherwise, the mayor or acting mayor, or city council, shall order a new election to fill the residue of the unexpired term. And all special elections shall be conducted in the same manner as herein provided for the regular election; provided, that in special elections, five days' notice thereof shall be deemed sufficient; provided, further, that cumulative voting shall be allowed for aldermen.

Article IV.

Section 1. The manner of conducting and voting at elections to be held under this act, and contesting the same;

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the keeping of the poll lists, canvassing of the votes, and certifying the returns, shall be the same, as nearly as may be, as is now, or may hereafter be provided by law, at general State elections; provided, the city council shall have full power and authority to regulate elections, and pass all ordinances in relation thereto, not inconsistent with the general laws of the State, which they may deem proper and necessary, and to prescribe what action shall be had, in the event of there being no regular election, or a failure to elect the officers, or any of them, for which any election was held or ordered. The voting shall be by ballot, and the managers shall take the same oath, and have the same power and authority as managers of general State elections. After closing the polls, the ballots shall be counted in the manner required by law, and the returns, including the ballots, shall be returned, sealed, to the city council, within three days after the election; and within five days from any election, the city council shall meet and canvass the same, and declare the result of the election. It shall be the duty of the city clerk, or person acting in that capacity, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall, respectively, qualify within five days thereafter, the offices shall become vacant. The city council elect shall meet at the usual place of meeting, at four o'clock P. M., on the second Wednesday after the first Monday of November, or as soon thereafter as possible, and be installed under the provisions of this act.

Article V.

Section 1. That every person, not disqualified by law, who shall have attained the age of twenty-one years, and is entitled to vote for members of the Legislature of this State, and is duly registered, and shall have resided within the limits of said city for six months next preceding the election, shall be entitled to vote for mayor, aldermen, marshal, and assessor and collector of said city; provided, that no person belonging to the regular army or navy of the United States shall be so entitled, nor shall any person vote who has not paid all taxes due from him to said city.

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Article VI.

Section 1. The managers of election shall be sworn to well and truly conduct the election, without partiality or prejudice, and agreeably to law, according to the best of their skill and understanding, which oath shall be administered by the mayor of the city, or any justice of the peace. The judges of election, thus qualified, shall have power to administer oaths necessary in the performance of their official duties. When any person, offering to vote, shall be objected to by any one qualified to vote at such election, the managers shall examine him, on oath, touching the points objected to, and may hear such other evidence as they see proper, and if he fail in establishing his qualifications to their satisfaction, his vote shall be rejected.

Article VII.

Section 1. In the event of a failure to meet, on the part of the city council, to examine the election returns and declare the result, the mayor shall discharge that duty.

Article VIII.

Section 1. No person shall be eligible to the office of mayor, alderman, or any other office in said city, unless he be a qualified voter therein, and has paid all taxes assessed against him by said city.

Powers and Duties of Officers.—Article 1.

Section 1. Every person elected, by the voters of said city, to fill any office, or by the city council, under this act, shall, before he enters on the duties of his office, take and subscribe the official oath prescribed in the Constitution of this State; and the city council may, by ordinance, require such additional oath as they may deem best calculated to secure faithfulness in the performance of their duties by such officers.

Article II.

Section 1. The mayor of the city shall be taken and deemed to be ex officio chief of police within said city,

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and as such he shall maintain peace and good order. He shall be the chief executive officer of said corporation, and shall be vigilant and active, at all times, in causing the laws and ordinances for the government of said city to be duly executed and put in force. He shall inspect the conduct of all subordinate officers in the government thereof, and, as far as it may be in his power, shall cause all negligence, carelessness and positive violations of duty to be prosecuted and punished. He shall have power, whenever in his judgment the good of the city may require it, to summon meetings of said city council, and he shall, from time to time, communicate to that body all such information, and recommend all such measures, as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament, and good government of said city.

Article III.

Section 1. That whenever the mayor shall deem it necessary, in order to enforce the laws of the city, or to avert danger, or protect life or property, in case of riot, or any outbreak or calamity, or public disturbance, or whenever he has reason to fear any serious violation of law or order, or any outbreak, or any other danger to said city or the inhabitants thereof, he shall summon into service, as a special police force, all, or as many citizens as in his judgment and discretion may be necessary and proper; and such summons may be by proclamation, or order, addressed to the citizens generally, or those of any ward of the city, or subdivision thereof; or such summons may be by personal notification. Such special police, while in service, shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same power, while on duty, as the regular police force of said city; and any person so summoned, and failing to obey, or appearing and failing to perform any duty that may be required by this act, shall be fined in a sum not exceeding one hundred dollars.

Article IV.

Section 1. The mayor shall preside over the meeting of the city council, but shall have no vote, unless there is

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a tie, in which case he shall give the casting vote. The said mayor shall have and exercise the civil and criminal jurisdiction of a justice of the peace within the corporate limits of said city, in addition to enforcing the by-laws of said city. He shall be compensated for his services by a salary to be fixed by the city council, payable at stated periods. He shall receive such fees as may be allowed by law. He shall have power to dismiss and discharge any member of the police (except the city marshal), and to remove or suspend any officer holding an office created by any ordinance of the city, until the cause of such removal or suspension can be acted on by the city council, and may fill, by appointment, any vacancy so occasioned. He shall have authority, in case of a riot, or unlawful assemblage, or with a view to preserve peace and good order in said city, to order and enforce the closing of any theatre, ball room, grogshop, tippling house, bar room, or other place of resort, or public room, or building, and may order the arrest of any person violating, in his presence, the laws of the State, or any ordinance of the city; and he shall perform such other duties, and possess and exercise such other power and authority as may be prescribed and conferred by the city council.

Article V.

Section 1. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence, or sickness, the city council shall appoint by ballot, by a majority of all the members present, one of their number to preside over their meetings, whose official designation shall be acting mayor; and the alderman so appointed shall be invested with all the powers and shall perform all the duties of mayor of the city, and shall receive the same salary, until the mayor shall resume the duties of his office, or the vacancy be filled by a new election.

Article VI.

Section 1. All ordinances and resolutions adopted by the council, before they take effect, shall be submitted to the mayor, and if he approve thereof, he shall sign the

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same, and such as he shall not sign he shall return to the city council, with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, two-thirds of the aldermen agree to pass the same, it shall be in force; and if the mayor shall neglect to appprove, or object to any such proceedings for a longer period than three days, after the same shall be placed in the clerk's office of said city, the same shall go into effect.

Article VII.

Section 1. The city marshal shall, either in person or by deputy, attend upon the mayor's court while said court is in session, and shall promptly and faithfully execute all writs and process issued from said court. He shall be the chief police officer of the city under the mayor. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the country, and he shall have authority to take suitable and sufficient bail for the appearance before the mayor's court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest all violators of the public peace, and all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of disorderly conduct or disturbances whatsoever. To prevent a breach of the peace, or preserve qui[e]t and good order, he shall have authority to close any theatre, bar room, drinking house, or any other place or building of public resort; and in prevention and suppression of crime, and arrest of offenders, he shall have, possess and execute like power, authority and jurisdiction as the sheriff of a county, under the laws of the State. He shall receive a salary, to be fixed by the city council. The city marshal shall give such bond for the faithful performance of his duties as the city council may require, and he shall perform such other duties, and possess such other powers, rights and authority, as the city council may by ordinance require and confer, not inconsistent with the Constitution and laws of this State.

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Article VIII.

Section 1. That it shall be the duty of the city clerk, or officer acting as such, to attend every meeting of the city council and keep accurate minutes of the proceedings thereof, in a book provided for that purpose; to engross and enroll all laws, resolutions and ordinances of the city council; to keep the corporate seal; to take charge of, preserve and keep in good order all the books, records, papers, documents and files of said council; to countersign all commissions issued to the city officers, and licenses issued by the mayor, and to keep a record or register thereof, and to make out all notices required under any regulation or ordinance of the city. He shall draw all warrants on the treasurer, and countersign the same, and keep an accurate account thereof in a book to be provided for the purpose. He shall be the general accountant of the corporation, and shall keep, in books, regular accounts of all receipts and disbursements for the city, and separately, under proper heads, each cause of receipt and disbursement; and also, accounts with each person, including officers, who have money transaction with the city, crediting amounts allowed by proper authority, and specifying the particular transaction to which such entries apply. He shall also keep a register of bonds and bills issued by the city, and all evidence of debts due and payable to it, noting the particulars thereof, and of all facts connected therewith, as they occur. He shall carefully keep all contracts made by the city; and he shall do and perform all such duties as may be required of him by any law, ordinance, resolution, or order of the city council. He shall receive for his services an annual salary, payable at stated periods.

Article IX.

Section 1. The treasurer of said city shall give bond in favor of the city of Brenham, in such amount and in such form as may be required by the city council, and with sufficient sureties, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same, upon the order of the mayor, attested by the clerk and the seal of the corporation. He shall keep

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regular and correct accounts of the real, personal and mixed property of the city, and shall render a full and correct statement of his receipts and payments to the city council, at their regular meeting in every quarter; and whensoever at other times he may be required by them so to do, at the end of every half year shall cause to be published, at the expense of the city, a statement, showing the amount of the receipts and expenditures for the six months next preceding, and the general condition of the treasury; and he shall do and perform such other acts and duties as the city council may require, and for his services he shall receive such compensation as shall be fixed by the city council.

Article X.

Section 1. That the assessor and collector shall make up all the assessments of all property taxed by the city, and make duplicate rolls thereof, and on completion of the rolls, shall deliver one of them to the treasurer, and retain the other. [The] assessor and collector shall collect all taxes due the city, and in the event of non-payment of any taxes, shall proceed to sell property to raise the amount of taxes so due; and shall, in the performance of his duties, observe the provisions of this act, and the ordinances of the city relating thereto. He shall give bonds in such amount and in such form as the city council may provide, with good and sufficient sureties, and the city council may require a new bond whenever, in their opinion, the existing bond is insufficient; and whenever such bond is required, he shall perform no official act until said bond shall be given and approved. He shall, at the expiration of every week, pay to the treasurer all money by him collected, and shall report to the city council, at the first meeting of that body in every month, all moneys so collected and paid; and he shall perform all such other duties, and in such manner, and according to such rules and regulations, as the city council may prescribe. The assessor and collector shall receive such fees and commissions for his services as may allowed by the ordinances of the city council. The assessor and collector is authorized to require the owners of all property subject to taxation to render a correct account of the same, under oath, to be administered by him.

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Article XI.

Section 1. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and to define the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specially mentioned, and fix their compensation. They may also require bonds to be given to the said corporation by all officers, for the faithful performance of their duties. The city council shall provide for filling vacancies in all offices not herein provided for, and in all cases of vacancy, the same shall be filled only for the unexpired term.

Of The City Council—Its General Powers and Duties.—
Article I.

Section1. The mayor and aldermen shall constitute the city council of said city. The city council shall meet at such times and places as they shall by resolution direct. The mayor, when present, shall preside at all meetings of the city council, and all have, in all cases, a casting vote, except in elections. In his absence, any one of the aldermen may be appointed to preside.

Article II.

Section 1. The city council shall hold stated meetings, and the mayor, of his own motion, or on the application of three aldermen, may call special meetings, by notice to each of the members of said council, served personally or left at their usual place of abode. Petitions and remonstrances may be presented to the council in writing only, and the council shall determine the rule of its own proceedings, and be judge of the election and qualifications of its own members, and have power to compel the attendance of absent members, and punish them for disorderly conduct, and with the concurrence of two-thirds of the members elected, may expel a member.

Article III.

Section 1. The city council shall have the manage-

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ment and control of the finances, and other property, real, person[al] and mixed, belonging to the corporation, and shall likewise have the power to appropriate money, and to provide for the payment of debts and expenses of the city.

Sec. 2. That the city council shall have the power and authority to borrow for general purposes, not exceeding ($15,000) fifteen thousand dollars, on the credit of said city.

Sec 3. To provide, by ordinance, special funds for special purposes, and to make the same disbursable only for the purpose for which the fund was created; and any officer of the city misappropriating said special funds, shall be deemed guilty of malfeasance in office, and shall, on complaint of any one interested in said funds so misappropriated, be removed from office, and be incapable thereafter to hold any office in said city; and shall, on conviction before any court of competent authority, be fined in a sum not exceeding five hundred dollars, and be imprisoned not exceeding six months.

Sec. 4. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city, and within ten miles thereof.

Sec. 5. To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets or elsewhere within said city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Sec. 6. To have the exclusive control and power over the streets, alleys and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, extend, establish, regulate, grade, clean or otherwise improve the same; to put drains and sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from any encroachment or injury, and to regulate and alter the grade of premises, and to require the filling up and raising of the same.

Sec. 7. To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and to regulate the construction and use of the same, and to abate and punish obstructions or

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encroachments thereon; and the cost of the construction of sidewalks shall be defrayed by the owners of the lot, or part of lot or block fronting on the sidewalk; and the cost of any sidewalk constructed by the city shall be collected, if necessary, by the sale of the lot, or part of lot or block on which it fronts, together with the cost of collection, in such a manner as the city council may, by ordinance, provide; and a sale of any lot, or part of lot or block, to enforce collection of costs of sidewalks, shall convey a good title to the purchaser, and the balance of the proceeds of sale, after paying the amount due the city and costs of sale, shall be paid by the city to the owner.

Sec. 8. To establish and erect markets and market houses; designate, control and regulate market places and privileges; inspect, and determine the mode of inspecting, meat, fish, vegetables and all produce, any [and] every article and thing therein brought for sale.

Sec. 9. To provide for the enclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets, sidewalks or public grounds.

Sec. 10. To regulate the carrying of weapons, and to prevent the carrying of the same concealed.

Sec. 11. To prevent the encumbering of the streets, alleys, sidewalks and public grounds, with carriages, wagons, carts, hacks, buggies, or any vehicle whatever, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever, or in any other manner whatever; to compel all persons to keep all weeds, filth, and any kind of rubbish from the sidewalks and streets and gutters in front of the premises occupied by them; to require and compel the owners of property to fill up, grade and otherwise improve the sidewalks in front of and adjoining their property; also, to inspect the construction of buildings, and to cause unsafe buildings to be made safe, or be removed, and to prohibit the use of certain materials deemed unsafe.

Sec. 12. To license, tax and regulate merchants, commission merchants, hotel and inn keepers, drinking houses or saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold, brokers, money brokers, real estate

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agents, insurance agents, insurance brokers and auctioneers, and all other trades, professions, occupations and callings, the taxing of which is not prohibited by the Constitution of the State, which tax shall not be construed to be a tax on property.

Sec. 13. To license, tax and regulate, suppress and prevent hawkers, peddlers, pawnbrokers, keepers of gift enterprises, and keepers of theatrical or other exhibitions, shows and amusements.

Sec. 14. To license, tax, regulate or prohibit theatres, circuses, the exhibitions of common showmen, and shows of any kind, and the exhibition of natural or artificial curiosities, caravans, menageries, and musical exhibitions and performances.

Sec. 15. To license, tax, and regulate hackmen, draymen, omnibus drivers and drivers of baggage wagons, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and provide for their protection, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered, and to regulate, license and restrain runners for railroads, stages and public houses.

Sec. 16. To license, tax and regulate billiard tables, pin alleys, ball alleys; to suppress and restrain disorderly tippling shops and groceries, gambling and gambling houses, lotteries and all others pursuing like occupations, with or without certain limits, bawdy houses, houses of prostitution or assignation.

Sec. 17. To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and the charges to be paid therefor. No license shall be issued for a longer period than one year, and shall not be assignable, except by permission of the city council, and no license to be issued for less than three months.

Sec. 18. To restrain, regulate and prohibit the selling or giving away, indirectly, to evade a tax or penalty, of any intoxicating or malt liquors, by any person, within the city, except by persons duly licensed; to forbid or punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice, or habitual drunkard.

Sec. 19. To prevent, restrain and punish engrossing, forestalling, and regulating [regrating]. To regulate the

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inspection and vending of fresh meats, poultry, fish, vegetables, butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Sec. 20. To make such rules and regulations in relation to butchers as they may deem necessary and proper.

Sec. 21. To establish standard weights and measures, to be used within the city, in all cases not otherwise provided for by law. To require all traders and dealers in merchandise or property of any description, which is sold by weight or measure, to cause their weights and measures to be tested and sealed by the city sealer, and be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law.

Sec. 22. To regulate the weight and quality of the bread to be sold or used in the city.

Sec. 23. To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers; giving to the mayor the right of nomination of said watchmen and policemen.

Sec. 24. To suppress and prevent any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private place within the city.

Sec. 25. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; to prohibit the abuse of animals; to compel persons to fasten their horses, or other animals, attached to vehicles, or otherwise, while standing or remaining in the streets.

Sec. 26. To restrain and punish vagrants, mendicants, street beggars and prostitutes, who appear in public.

Sec. 27. To establish and regulate public pounds; and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats and geese; and to authorize the distraining, impounding and sale of the same for the costs of the proceeding and the penalty incurred, and to order their destruction when they cannot be sold; and to impose penalties on the owners or keepers thereof for violation of any ordinance.

Sec. 28. To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

Sec. 29. To prohibit and restrain the rolling of hoops,

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flying of kites, firing of fire-crackers, use of any pyrotechnic, or any other amusement or practices tending to annoy persons passing in the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, practices and performances tending to the collection of persons on the streets and sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.

Sec. 30. To abate all nuisances which may inquire or affect the public health or comfort, in any manner they may deem expedient.

Sec. 31. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Sec. 32. To direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city, slaughtering establishments and hide houses, or establishments for keeping or curing hides, establishments for making soap, for steaming or rendering tallow, lard, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Sec. 33. To regulate the burial of the dead; to purchase, establish and regulate one or more cemeteries; to regulate the registration of deaths, marriages and births; to direct the returning and keeping of bills of mortality, and impose penalties on physicians, sextons and others for any default in the premises. No person shall be buried without certificate of physician or post mortem examination.

Sec. 34. To abate and remove nuisances, and to punish the authors thereof, by penalties, fine and imprisonment, and to define and declare what shall be nuisances, and authorize and direct the summary abatement thereof.

Sec. 35. To compel and force all offenders against any ordinance of this city, found guilty by the mayor, and sentenced to fine and imprisonment, to labor on the streets and alleys of said city, or on any public work, under such regulations as may by ordinance be established.

Sec. 36. To prevent all boxing matches, sparring exhibitions, cock and dog fighting, and punish all persons thus offending.

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Sec. 37. To prevent all trespasses, breaches of the peace and good order, assaults, assaults and batteries, fighting, quarreling, using abusive and insulting language, misdemeanors and all disorderly conduct, and punish all persons thus offending.

Sec. 38. To prevent and punish the keeping of houses of prostitution within the city, or within such limits therein as may by ordinance be defined, and to adopt summary measures for the removal or suppression of all such establishments.

Sec. 39. To require the owner, agent or any occupant of any ground, lots, private drains, sinks and privies, to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, as may be ordered by any resolution or ordinance of said city; and in the event of any failure, neglect or refusal to comply with any such order, the party so failing shall be liable to fine and imprisonment. In the event of there being no person in the city on whom such order can be served, the city may have such work done and such improvement made on account of the owner thereof; and all costs, charges and expenses shall be a lien on the property, on the filing of a memorandum by the mayor, under the seal of the corporation thereof, and recording the same with the clerk of the District Court; and the city may enforce said lien, and institute suit in the corporate name, and obtain judgment against said party for the amount so due as aforesaid, in any court having jurisdiction.

Sec. 40. To direct and control they [the] laying and construction of railroad tracks, turnouts and switches, or prohibit the same in the streets, avenues and alleys, unless the same shall have been authorized by law; and the location of depot grounds within the city; to require that railroad tracks, turnouts and switches, shall be so constructed as to interfere as little as possible with the ordinary travel and use of streets, avenues and alleys, and that sufficient space shall be left on either side of said track for the safe and convenient passage of teams, carriages and other vehicles, and persons. To require railroad companies to keep in repair the streets, avenues or alleys through which their track may run, and, if ordered by the city council, to light the same, and to construct and keep in repair suitable crossings at the intersection of streets, avenues and alleys, and ditches, sewers and cul-

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verts, when the city council shall deem it necessary. To direct the use and regulate the speed of locomotive engines within said city, or prevent and prohibit the use or running of the same within the city.

Sec. 41. To prevent any person from bringing or having within the limits of said city any dead carcass, or other offensive or unwholesome substances or matters, and to require the removal or destruction, by any person who shall have placed, or caused the same to be placed, upon or near his premises, or elsewhere, of any substance, or matter, filth, or any putrid or unsound beef, pork, or fish, hides or skins of any kind; and on his default, to authorize the removal or destruction thereof by some officer of the city; and require the owner of any dead animal to remove the same to such place as may be designated, and in default, the marshal shall have the same removed at the expense of the owner.

Sec. 42. To prevent, regulate and control the driving of cattle, horses, and all other animals, into or through the city.

Sec. 43. The city council shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations, not contrary to the Constitution and laws of this State, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the prison; provided, that any party accused shall have the right of trial by a jury of six qualified electors of said city; but no fine or penalty shall exceed one hundred dollars, nor the imprisonment more than sixty days for any offense, unless a larger fine and longer period of imprisonment is herein allowed; and for any fine, penalty and costs imposed by the mayor or jury in the trial of any cause or complaint, execution may issue to collect such fine and costs, to be levied and executed in the same manner that executions are from the District Court. The same shall be issued by the mayor, under the corporation seal, to the city marshal, who, in levying on property and selling, shall have like power and authority as the sheriff of the county in executions

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issued from the District Court; and the laws of the State, so far as applicable, shall apply and be in full force and effect as to the executions issued from the mayor's court, and the city marshal in executing the same. Any person upon whom any fine or penalty is imposed may be committed until the payment of the same, with costs, and in default thereof may be imprisoned in the city prison, or may be required to work on the streets or other public work of the city, for such time and in such manner as may be provided by ordinance; provided, such imprisonment shall not exceed sixty days, unless a longer period is herein allowed.

On Taxation.—Article I.

Section 1. The city council shall have power within the city, by ordinance, to annually levy and collect taxes, not exceeding one per cent. on the assessed value of all real and personal estate and property in the city not exempt from taxation by the Constitution of the State.

Article II.

Section 1. To annually levy and collect a poll tax, not to exceed one dollar, of every male inhabitant of said city over the age of twenty-one years, who has resided therein six months previous to the assessment of said tax.

Article III.

Section 1. That the city council shall have power to levy and collect taxes, commonly known as licenses, upon trades, professions, callings, and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons, and other vehicles used in said city, whether the same are for public or private use. That each and every person and firm engaged in the following trades, professions, callings and business, among others, shall be liable to pay such license tax; but this enumeration shall not be construed to deprive the city council of the right and power to levy and collect other license taxes, and from other persons and firms under the general authority herein granted.

Sec. 2. Every person and firm engaged in selling

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goods, wares or merchandise; every person and firm selling liquor in quantities over a quart; every person or firm keeping a grog shop, tippling house, bar room or drinking saloon; every person or firm keeping a place where spirituous liquors, wines, cordials or beer are sold in quantities less than one quart; every person or firm keeping a billiard table, ball alley, or nine or ten pin alley, or any similar game; every person or firm keeping a tavern, hotel or boarding house; every person or firm keeping a restaurant, eating house, oyster shop, oyster saloon, or place of any description where eating or refreshments are furnished; every person or firm keeping a livery stable or stables; every person or firm selling goods, wares and merchandise at public auction; every person or firm pursuing the occupation of a real estate broker or agent, merchandise or cotton broker, or commission business; every person or firm pursuing the occupation of hawker or peddler of goods or any article whatever; every person or firm keeping a brewery, beer shop or distillery; every person or firm keeping a storage warehouse, or engaged in compressing cotton; keeping an intelligence office; each and every insurance company shall also be liable to pay said city such license tax; and each and every insurance agent in said city shall likewise be subject to said license tax, and each agent shall be held responsible therefor, and for each association, corporation or company of which he is agent.

Sec. 3. That each and every firm keeping a lumber, wood, or coal yard, or any place for sale of the articles aforesaid, or building materials, shall be subject to said license tax, and all other persons from whom the city council may require said tax, under the authority in this act granted; provided, nothing herein contained shall in anywise prevent or restrain the city council from collecting the license, and each license tax hereinbefore provided for by this act. Each establishment shall be liable to said license tax; and any person or firm, pursuing occupations, business, avocations or callings, subject to said tax, shall pay on each; and no license shall extend to more than one establishment, or include more than one occupation, avocation, business or calling.

Article IV.

Section 1. The city council shall have power to pro-

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vide, by ordinance, for the assessing and collecting of the taxes aforesaid, and to determine when taxes shall be paid by corporations, and when by the individual corporators; provided, no tax shall be levied unless by consent of two-thirds of the aldermen elected.

Sec. 2. The license tax shall be collected by the assessor and collector, and shall be paid to that officer by each and every person and every firm owing such license, and before engaging in any trade, profession, business, calling, avocation, or occupation, subject to said tax; that if any person shall engage in any business, calling, avocation, or occupation, which, by an ordinance of said city, is subject to a license tax, without first having obtained said license, he, she, or they shall be liable to imprisonment, and a fine of ten dollars for each day such violation of said ordinance may continue; and this section shall apply to all persons owing any license, and failing to pay the same; said taxes, commonly known as licenses, laid as herein provided, shall not be construed to be a tax on property, within the meaning of section one, article one, or any other section of this act.

Article V.

Section 1. That the term real estate or property, as used in this act, shall be construed to include lots, lands, and all buildings or machinery, and structures of every kind, erected upon or affixed to the same.

Article VI.

Section 1. That the term personal estate or property, as used in this act, shall be construed to include all household furniture, moneys, goods, capital, chattels, public stocks and stocks of corporations, moneyed or otherwise, and generally all property which is not real.

Article VII.

Section 1. Bonds of the corporation of the city of Brenham shall not be subject to tax under this act.

Article VIII.

Section 1. That the city council may, by ordinance,

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provide for the exemption from taxation of such property as they may deem just and proper; provided, nothing contained under this title of taxation shall be construed to prevent the city council from imposing, levying and collecting special taxes and assessments for the improvement of the avenues, streets and alleys.

Collection of Taxes.—Article I.

Section 1. That the city council may and shall have full power to provide by ordinance for the prompt collection of all taxes assessed, levied and imposed by this act, or hereby authorized and due, or becoming due to the said city, and to that end may and shall have full power and authority to sell real as well as personal property, and may and shall make all such rules and regulations, and ordain and pass all ordinances as they may deem necessary to the levying, laying, imposing, assessing and collecting of any of the taxes herein provided.

Article II.

Section 1. The city council shall have power by ordinance to regulate the manner and mode of making out tax lists or inventories, and the appraisement of property therein, and to prescribe the oath that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered, and to prescribe the number and form of assessment rolls, and fix the duties and define the powers of the assessor and collector, and adopt such measures as they may deem advisable to secure the assessment of all property within the limits of said city, and collect the tax thereupon; and may by ordinance provide that any person, firm or corporation, having property subject to taxation, or being liable for any tax under the provisions of this act, and neglecting to render a list, inventory and appraisement thereof as required by any ordinance of said city, shall be liable to fine and imprisonment.

Article III.

Section 1. Every person, partnership and corporation owning property within the limits of the corporation,

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shall, within one month after published notice, hand to the assessor of the city a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation.

Article IV.

Section 1. That it shall be the duty of the city council, annually, at such time as they may determine, to appoint three commissioners, each being a qualified voter and the owner of real estate in said city, to the value of three thousand dollars, who shall be styled the board of appraisement; and whenever the party rendering property for assessment, and the assessor, cannot agree on the valuation of such property, it shall be referred to said board, and their action in appraising the same shall be final; provided, that at the meeting of said board the owner of the property shall be heard. Said board shall also appraise all property assessed as unknown or unrendered. The city council shall allow said board such compensation for their services as they may think just and reasonable. No person connected with the city government shall be appointed on said board. Any vacancy in the board shall be filled by the city council.

Article V.

Section 1. It shall be the duty of the assessor to make out a list of all personal property which has not been given in for assessment according to the provisions of this act, and assess the same in the name of the owner, if he be known, and if not, then it shall be assessed by description of the property and last known owner; and the value of such property shall be determined by the board of appraisement, and the same may be sold as in other cases, if the tax be not paid in the time prescribed by law.

Article VI.

Section 1. It shall be the duty of the assessor, at the expiration of the time fixed by ordinance for the rendition of property, to ascertain what property in the city subject to taxation, shall be by him presented to the board of appraisement for valuation by said officer and board,

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and then shall by him be entered in a supplement to the assessment roll as unknown, specifying the year for which said tax is not paid within the time prescribed by law, said property shall be sold at the same time, and with like effect as other property.

Article VII.

Section 1. Whenever the assessor shall ascertain that any taxable inhabitants, or any real or personal property has not been assessed for the past years, he shall assess the same in his next assessment roll (in a supplement thereto), at the same rate under which such inhabitant and property should have been assessed for such years or year, stating the year or years which such inhabitant or property should have been assessed, and the taxes thereon shall be collected in the same manner as other assessments. In all cases where any party has omitted to render property for taxation in any former year or years, and such taxes have not been paid, such party shall give such property in for assessment for the years thus omitted, and pay such taxes, and the assessor shall enter all such property in a supplement to his next assessment roll, under the head of payments for former years.

Article VIII.

Section 1. The collector, after the completion of the assessment roll, as required by ordinance, shall proceed to collect the taxes therein mentioned within the time, and give such notice as may be prescribed by the city council, and for that purpose shall call once upon every person taxed, or on the agent or attorney of such person at the usual place of his or her residence, office or place of business or elsewhere, and demand the payment of the taxes charged upon his or her person or property, if the person is to be found; and if not, then a written demand, specifying the amount of taxes due, left at the residence with some member of the family over fourteen years of age, shall be a sufficient demand; provided, that if any person thus owing taxes has no residence, office or place of business, and no agent in the city or known to the collector, then said demand shall not be necessary, and the ordinary published notice required by ordinance shall be sufficient.

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Article IX.

Section 1. That if any person shall fail, neglect or refuse, to pay the taxes imposed upon him and his property, within the time prescribed by the ordinances of the city, the collector shall, by virtue of his tax list and assessment roll, levy upon so much property, liable to taxation, belonging to such person, as may be sufficient to pay his, her or their taxes; and the collector shall give notice of the time and place of sale, by advertisement in writing (if not unknown property) the property and amount of taxes, costs and fees due thereupon. Five of such notices shall be posted, one at the mayor's office, and four at different public places within said city limits, and at the expiration of such notice, and on the day therein specified, the collector shall proceed to sell such property at public auction, in front of the court house door of the city of Brenham, or such building as may be used for such purpose; provided, that when real estate or property is offered for sale, the smallest portion of grounds (to be taken from that side of the premises designated by the collector), shall be sold, for which any person will take the same, and pay the taxes, costs and fees.

Article X.

Section 1. If at any sale of real or personal property or estate for taxes, no bid shall be may [made] for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a deed for said property, and shall be vested with the same rights as other purchasers at such sales, and shall have the power to sell and convey the same.

Article XI.

Section 1. The city council may, by ordinance, enact the mode and manner in which such suits for collection of taxes due and unpaid on lands shall be instituted, and may have such other and further power, regulating the proceedings necessary for the sale of the land, as it thinks best, and is not inconsistent with the laws and Constitution of this State; provided, that no sale shall be made

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until the owner has thirty days' notice thereof, which notice may be given actually by any officer of this city, or by advertisement for sixty days, which advertisement may merely so describe the property as to designate it, and it shall not be necessary to set out the owner's name, unless the same be known; and further provided, that such owner, his agent or attorney, may redeem said property within two years from the day of sale, by paying the purchaser or purchasers the full amount of his bid and costs of suit, with interest thereon at the rate of twelve per cent. per annum from day of sale; and further provided, the purchaser or purchasers may apply to the District Court at any time after said expiration of two years for confirmation of sale, and which said decree of confirmation shall vest full and absolute title in the purchaser or purchasers of said property, their heirs or assigns; and said District Court shall take and exercise all jurisdiction required to carry this into effect, and such ordinances as may be passed by the city council relative to the subject matter.

Fire Department—Article I.

Section 1. The city council, for the purpose of guarding against the calamities of fire, may prohibit the erection, building, placing, moving or repairing of wooden buildings within such limits within said city as they may designate and prescribe; and may, within said limits, prohibit the moving or putting up of any wooden building from without said limits; and may also prohibit the removal of any wooden building from one place to another within said limits; and may direct, require and prescribe that all buildings, within the limits so designated and prescribed, shall be made or constructed of fire proof materials; and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and may prescribe the manner of ascertaining such damage; may declare all the dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; and to pass all ordinances they may deem necessary to prevent fires, and render buildings of all kinds safe in relation thereto; shall have power to pro-

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vide fire engines for the use of said city, and have complete control of the same; shall have power to regulate and pass ordinances for the control of fire companies in said city; to authorize the mayor, officers of fire companies, or any officer of said city, to keep away from the vicinity of any fire all idle, disorderly and suspicious persons, and arrest and imprison the same, and compel all officers of the city, and all other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Sec. 2. And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Sanitary Regulations.—Article I.

Section 1. The city council shall have power to appoint a health physician and as many health inspectors as they may deem necessary, and shall prescribe by ordinance the powers and duties of the same.

Article II.

Section 1. The city council shall have power to take such measures as they may deem effectual to prevent the entrance of any pestilential, contagious or infectious diseases into the city; to stop, detain and examine, for that purpose, any person coming from any place infected, or believed to be infected, with that disease; to establish, maintain and regulate pest houses or hospitals at some place within the city, or not exceeding five miles beyond its bounds; to cause any person who shall be suspected of being infected with any such disease to be sent to such pest house or hospital; to remove from the city or destroy any furniture, wearing apparel, or property of any kind, which shall be suspected of being tainted or infected with pestilence, or which shall be likely to pass into such a state as to generate or propogate disease; to abate all nuisances of every description which are or may become injurious to public health, in any manner that they may deem expedient, and from time to time, do all acts, make all regulations, and pass all ordinances which they shall deem expedient for the preservation of health and the suppression of diseases in the city.

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Article III.

Section 1. The owner, driver, conductor, or person in charge of any stage, railroad car, or public conveyance, which shall enter the city having on board any person sick of a malignant fever, or pestilential, contagious or infectious disease, unless such person became sick on the way, and could not be left, shall be deemed guilty of a misdemeanor, punishable with fine and imprisonment, or either. Such owner, driver, conductor, or person in charge, shall, within three hours after the arrival of such sick person, report in writing the facts, with the name of such person, and the house where he was put down in the city, to the health physician; and every neglect to comply with these provisions shall be a misdemeanor, punishable by fine and imprisonment, or either.

Article IV.

Section 1. Any person who shall bring, or cause to be brought, into the city any person or property of any kind tainted or infected with malignant fever, or pestilential or infectious disease, shall be guilty of a misdemeanor, and punishable by fine and imprisonment, or either.

Article V.

Section 1. Every keeper of any inn, hotel, tavern, boarding or lodging house in the city who shall have in his house at any time between the first day of June and the first day of December, any sick guest, traveler, or other person, shall report the fact and name of the person, in writing, within six hours after he come to the house, or was taken sick therein, to the health physician. Every physician in the city shall report, under his hand, to the officer above named, the name, residence and disease of every patient, whom he shall have sick of any malignant fever, or infection [infectious] or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, or either.

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Article VI.

Section 1. The city council shall have power to require the filling up, draining and regulating of any lot or lots, grounds or yards, or any other places in the city which shall be unwholesome, or have stagnant water therein, or from any other cause be in such condition as to be liable to produce disease. Also, to cause all premises to be inspected, and low buildings to be raised to such height as the council shall determine, and to impose fines on the owners of houses under which stagnant water may be found, and to pass such ordinances as they shall deem necessary for the purpose aforesaid, and for the making, filling up, altering or repairing of all sinks and privies, and directing the mode and material of constructing them in future, and for cleansing and disinfecting the same, and for cleansing of any house, building, establishment, lot, yard or ground from filth, carrion or unwholesome matter of any kind, and to punish any owner or occupant violating the provisions of any ordinance so passed as aforesaid; and the city council shall also, and in addition to the foregoing remedy, have the power to cause any of the improvements above mentioned to be done at the expense of the city, on account of the owners, and cause the expense to be assessed on the real estate, or lot or lots, benefitted thereby; and, on filing with the district clerk of Washington county a statement by the mayor of such expense, shall have a first and privileged lien on said property to secure said expenditure and twelve per cent. interest thereon. For any such expenditure and interest as aforesaid, suit may be instituted and recovery had, in the name of the corporation, in any court having jurisdiction, and the statement so made as aforesaid, or a certified copy thereof, shall be full proof and satisfactory evidence of the amount expended in any such improvement.

Article VII.

Section 1. The health physician may be authorized by the city council, when the public interest requires, to exercise, for the time being, such of the powers, and perform such of the duties of the marshal as the city council may in their descretion direct, and shall be authorized

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to enter all houses and other places, private or public, at all times, in the discharge of his duties, under this act, having first asked permission of the owners or occupants. The city council shall have power to punish by fine and imprisonment, or either, any neglect or [or][1] refusal to observe the orders and regulations of the health physician.

Streets, Alleys, &c.

Section 1. The city council are hereby empowered and authorized to take and condemn land and real estate in said city for the public use, viz., for streets, alleys, and public ways; for extending, straightening, and widening those streets now in use; for public squares, parks and pleasure grounds.

Sec. 2. For the condemnation of any land or real estate, the following proceedings shall be had: The city attorney, or attorney employed by said city for that purpose, shall file a petition in the District Court of Washington county against the owner of the land or real estate sought to be condemned for any of the purposes aforesaid, setting forth, first, the name or names and residence of the owner or owners, if known, and if unknown the same shall be so stated; second, the description by metes and bounds of an actual survey, had for that purpose, of the land or real estate sought to be condemned; third, the purpose for which the same is to be taken and applied; fourth, the supposed value of the property sought to be condemned; fifth, the prayer that the same be condemned to the public use for the purpose as stated. And upon the filing of such petition, like proceedings shall be had thereon as in other civil suits; and when personal service cannot be had by reason of the defendant being a non-resident or unknown, service by publication shall be made as provided in other cases in the District Court, and upon trial the court shall proceed to render judgment, condemning the land to public use, upon payment of the value thereof, as assessed by the jury; and upon any suit being brought thereafter against the said corporation for such property so condemned, a copy of the judgment, and an actual tender of the money in court, shall be a sufficient answer in law of any such suit.

[1]Repetition in enrolled bill.

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Sec. 3. All costs of proceedings for the condemnation of land and real estate under this act shall be taxed against and paid by the corporation, including the fees of the attorney, which the court shall appoint to represent the defendant cited by publication.

Miscellaneous Provisions—Article 1.

Section 1. Whenever, in the opinion of the city council, any building, fence, shed, awning, or any erection of any kind, or any part thereof, is liable to fall down and endanger persons or property, they may order any owner or agent of the same, or any owner or occupant of the premises on which such building, shed, awning, or other erection stands, or to which it is attached, to take down and remove the same, or any part thereof, within such time as they may direct; and to punish, by fine and imprisonment, or either, any neglect, failure or refusal to comply therewith. The city council shall, in addition, have power to remove the same, at the expense of the city, on account of the owner of the property or premises, and assess the expense on the land on which it stood, or to which it was attached; and shall, by ordinance, provide for such assessment, the mode and manner of giving notice, and the means of recovering any such expense.

Article II.

Section 1. Whenever any person has been required by the mayor to give a peace bond, or a bond for good behavior, or any similar bond under this act, and has complied with such order, and been guilty of a violation or infraction of any such bond, and the same is proved or established, to the satisfaction of that officer, in any trial or complaint, such party so offending may be fined in the sum of five hundred dollars, and imprisonment for three months; and the city, in its corporate name, may sue, in any court having jurisdiction, for the recovery of the penalty of such bond.

Article III.

Section 1. In all cases where by any provisions of this act, or by any ordinance passed in pursuance thereof,

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a person is required to obtain a license for any calling, occupation, business or avocation, and has, on complaint before the mayor, been adjudged guilty of violating any rule, regulation or ordinance of the city council in relation thereto, the mayor, in addition to fine or imprisonment, or either, may suspend or revoke the license so granted.

Article IV.

Section 1. The city council shall, as soon as may be after the commencement of each municipal year, contract, as they may by ordinance or resolution determine, with a public newspaper of the city, as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by this act, or by the ordinances of the city, to be published.

Article V.

Section 1. The city council shall, at least ten days before the expiration of each municipal year, cause to be published in a city newspaper, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the funds are derived, and showing for what purpose disbursed, the condition of the treasury, together with such information as may be necessary to a full understanding of the financial condition of the city.

Article VI.

Section 1. All ordinances of the city, when printed and published by authority of the city council, shall be admitted and received in all courts and places without further proof.

Article VII.

Section 1. The style of all ordinances shall be, "Be it ordained by the city council of the city of Brenham;" but it may be omitted when published in the form of a book or pamphlet.

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Article VIII.

Section 1. All fines, forfeitures and penalties for the breach or violation of this act, or of any regulation, order or ordinance of the city council, shall, when collected, be paid into the city treasury, for the use and benefit of said city.

Article IX.

Section 1. No person other than an elector, resident of the city, shall be appointed to any office by the city council.

Article X.

Section 1. The city council shall have power to remove any officer, except the mayor, for incompetency, corruption, malconduct, or malfeasance in office, after due notice and an opportunity to be heard in his defense; and in addition to the foregoing power of removal, the city council shall have power, at any time, to remove any officer of the corporation elected by them, by resolution declaratory of its want of confidence in said officer; provided, that two-thirds of the aldermen elected shall vote in favor of said resolution.

Article XI.

Section 1. Whenever any person shall be removed from any office, or the term for which he was elected or appointed has expired, or he has resigned, or ceased to act in such official capacity, he shall deliver over to his successor all books, papers and effects, in any way appertaining to his office. Every person violating this provision shall be guilty of a misdemeanor, and shall be deemed an offender within the meaning of any law of the State punishing such offense; and in addition thereto, shall, on conviction before the mayor, be fined in a sum not exceeding five hundred dollars, and be imprisoned for any time not exceeding three months, or either; any officer who shall have been entrusted with the collection or custody of funds belonging to said city, who shall be in default to said city, besides being liable to criminal prosecution and a civil action for debt, shall thereafter be

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incapable of holding any office under said city until the amount of his defalcation shall have been fully paid to said city, with twelve per cent. interest.

Article XII.

Section 1. No member of the city council shall hold any other employment or office under the city government while he is a member of said council, unless herein otherwise provided, or by ordinance or resolution passed by the city council; and no member of the city council, or any officer of the corporation, shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the city council, nor be the surety of any person having a contract, work or business with said city, for the performance of which security may be required.

Article XIII.

Section 1. The members of the city council shall be exempt from jury service during their term of office. Each alderman shall be fined four dollars for every meeting which he fails to attend unless on account of his own sickness or that of his family.

Sec. 2. Any member of the city council remaining absent for three regular consecutive meetings, without first having obtained leave of absence at a regular meeting, shall be deemed to have vacated his office, and the mayor shall proceed to fill the vacancy in accordance with the charter.

Article XIV.

Section 1. The city council shall have power to prescribe the duties of all officers and persons appointed by them, or elected to any office or place whatever, subject to the provisions of this act; to revoke any license given under this act; to remit, in whole or in part, and on such conditions as shall be deemed proper, by a vote of two-thirds of all the members present, any fine or penalty belonging to the city, which may be imposed, or incurred,

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under this act, or under any ordinance or resolution passed in pursuance thereof.

Article XV.

Section 1. The city council shall, on or before the first day of November in each and every year, fix the annual salary of the mayor, and shall, at the same time, fix the annual salary of the board of aldermen, and shall, at the same time, establish the compensation or salary to be paid to the officers elected, or appointed by the city council; provided, that the compensation for each alderman shall not exceed four dollars for each regular meeting; and the compensation so fixed shall not be changed during the year.

Article XVI.

Section 1. It shall not be necessary in any action, suit or proceeding, in which the city of Brenham shall be a party, for any bond, undertaking or security to be executed in behalf of the city; but all such actions, suits and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given; and for all the purposes of such actions, suits or proceedings, the city shall be liable, in the same manner, and to the same extent as if the bond or security required in ordinary cases had been duly given and executed.

Article XVII.

Section 1. The cemetery lots which have, and may hereafter be laid out and sold by said city, for private places of burial, shall, with the appurtenances, forever be exempt from taxes, execution, attachment or forced sale.

Article XVIII.

Section 1. No person shall be deemed an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Brenham, in any action or proceeding in which said city may be a party of interest.

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Article XIX.

Section 1. All rights, actions, fines, penalties, and forfeitures in suit, or otherwise, which have accrued under the laws heretofore in force, shall be vested in and prosecuted by the corporation hereby created; and no suit pending shall be affected by the passage of this act but the same shall be prosecuted, or defended, as the case may be, by the corporation hereby created.

Article XX.

Section 1. All property, real or personal, or mixed, belonging to the city of Brenham, is hereby vested in the corporation by this act; and the officers of said corporation now in office, shall continue in the same until superseded, in conformity to the provisions hereof, but shall be governed by this act, from and after it takes effect.

Article XXI.

Section 1. This act shall not invalidate any legal act done by the city of Brenham, or its officers, nor divest their successors, under this act, of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act; and all ordinances, resolutions, and acts done by the acting mayor and council, and officers appointed to office by the commander of the Fifth Military District, or by the Governor of the State of Texas, or the council and mayor so appointed, shall be deemed and held by the courts of the State to be as valid and binding on the said city and its inhabitants, as though the same had been done by officers elected in accordance with the charter of said city heretofore in force.

Article XXII.

Section 1. No officer of said city, either elected or appointed to office, shall at any time, either directly or indirectly, deal in or purchase any written indebtedness of said city, or purchase accounts against said city of any kind whatever. Any officer convicted of the above offense or offenses, by competent evidence before the mayor

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of said city, or any justice of the peace in Washington county, shall be immediately removed from office, and in addition to removal, may be fined not less than twenty-five nor exceeding one hundred dollars for each and every offense.

Article XXIII.

Section 1. That from and after the passage of this act, all acts heretofore granting charters to and incorporating said city of Brenham be and are hereby repealed.

Article XXIV.

Section 1. This act shall be deemed a public act, and may be read in evidence, without proof, and judicial notice shall be taken thereof in all courts and places. And this act shall take effect and be in full force from and after its passage.

Approved February 4th, 1873.

CHAPTER III.

An Act to amend an Act entitled "An Act to incorporate the City of Tyler, and to provide for the administration of its Municipal Affairs," approved April 26th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section five of an act entitled "An act to incorporate the city of Tyler, and to provide for the administration of its municipal affairs," approved April 26th, 1871, be so amended that it shall read as follows, to-wit: That there shall be held, within said city, by the qualified electors thereof, on the second Tuesday in March next, and annually thereafter, an election for the officers named in section four of this act; said election, after the first one herein provided for, shall be ordered by the city council or mayor.

Sec. 2. That George Yarbrough, W. H. Pate, G. W. Humphrey, A. F. Hunt and H. G. Askew, or any two of them, are appointed managers to hold the election herein provided for, on the second Tuesday in March next; and

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for the purpose of holding all subsequent elections, the city council shall appoint managers; and should the city council fail to so appoint, or should the persons appointed by the provisions of this section fail to act, any three or more of the qualified electors of said city, assembled at the place of election on the day of the election, shall have the right to select managers to hold such election; and in such case the managers so selected shall certify, in their returns, that the managers appointed failed to act, and that they were chosen by the electors present.

Sec. 3. That it shall be the duty of the registrar of the county of Smith to attend at the time and place of holding said election, with the list of registered voters of said city; and in the absence of that officer, he, or the clerk of the District Court of the county of Smith, shall furnish the managers holding said election with a certified copy of the list of registered voters of said city; provided, that when the registration of the voters of said city shall not be provided for by a general law, the city council shall have the power to provide for the taking of the registration of the qualified electors of said city, and provide all needful rules and regulations therefor.

Sec. 4. That the managers of the election, to be held on the second Tuesday in March next, shall make return thereof to the clerk of the District Court of Smith county, who shall, within two days after he receives the same, Sundays excepted, examine such return, ascertain the result, and give the candidates receiving the highest number of votes certificates of their election. In all subsequent elections the returns shall be made to the city council, who shall open them and declare the result, which shall be noted on their minutes.

Sec. 5. That in case of a vacancy in any office, made elective by this charter, or in case of a tie at any election, a special election shall be ordered by the city council to fill the vacancy for the unexpired term; and the managers of all elections provided for by this charter, may employ two clerks to assist them in holding the same.

Sec. 6. That this act shall take effect from and after its passage.

Approved February 7th, 1873.

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CHAPTER IV.

An Act to amend an Act entitled "An Act to re-incorporate the City of Navasota, Grimes County, and to grant a New Charter to said City, and to Repeal an Act, approved October 27th, 1866, Incorporating the City of Navasota."

Section 1. Be it enacted by the Legislature of the State of Texas, That the sixth section of said act shall hereafter read as follows: Sec. 6. That on the first Monday of March, 1873, and annually thereafter, on the same day, an election shall be held in said city for the purpose of choosing all the officers authorized by the charter of said city. There shall be chosen, by the board of aldermen, three electors of said city as managers of the election, which appointment, and the time and place of the election, the mayor shall give (after the first election) at least ten days' notice. The managers shall appoint two clerks, who, with themselves, shall take an oath to faithfully perform their duties; and shall proceed to open the polls and receive the votes of all the qualified voters of said city. The managers shall hold the polls open from 10 o'clock A. M. until 4 o'clock P. M., and shall keep a true list of all persons who may have voted, numbering each vote, and marking each ballot with a corresponding number. Immediately after the closing of the polls, they shall proceed to count the votes, and make due returns thereof (together with a certified list of the persons voting), to the mayor incumbent, by one of themselves. The mayor shall, within twenty-four hours after receiving the returns, in the presence of the board of aldermen, declare the result of the election, and have the same entered in the minutes of the board of mayor and aldermen; and if the persons elected shall be present, they shall be forthwith installed into their respective offices. If for any cause the mayor shall fail or refuse to convene the board of aldermen for the purpose of declaring the result of the election within the time specified, it shall be the duty of the managers to make out a duplicate of the returns, and transmit the same to the chief justice of the county, who shall, as soon as practicable, in the presence of six voters of said city (to be named by himself), open the returns, and award to each person

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elected a certificate of his election. In either event the persons elected shall meet the first Monday after the official announcement of the election, for the purpose of being installed into office. Should either of the managers fail to attend at the time and place for holding the election, those who do attend shall select from among the bystanders a suitable person or persons to fill the vacancy; and should none of the managers attend, then the bystanders shall select from among themselves three electors of said city to conduct the election. The fifth section of said act is hereby repealed, and this act take effect from and after its passage.

Approved February 8th, 1873.

CHAPTER V.

An Act to renew and continue in force an Act entitled "An act to Charter the Nacogdoches University," approved February 3rd, 1845.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled "An act to charter the Nacogdoches University;" approved February 3rd, 1845, is renewed and continued in force until the first day of January, A. D. 1900; and all the acts of the trustees of said university, done and performed by them since the expiration of their charter as limited in said act, within the scope of their authority, as defined in said act, are hereby declared to be as valid as if said charter had never expired.

Sec. 2. Be it further enacted, That the following persons are recognized and constituted as trustees of Nacogdoches University, and classified according to the provisions of said original act, to wit: Trustees of the first class—Richard S. Walker, John Forbes, Bennett Blake, Frederick Voigt, Charles M. Raguet, M. G. Whitaker, L. E. Griffith, A. H. Crain and Peyton F. Edwards. Trustees of the second class—Moses L. Patton, Edward J. Fry, Laurence S. Taylor, Henderson Muckleroy, R. D. Orton and William Clark.

Sec. 3. Be it further enacted, That this act take effect and be in force from the date of its passage.

Approved February 11th, 1873.

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CHAPTER VI.

An Act to incorporate the Town of Gainesville, in Cooke County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Gainesville, in Cooke county, Texas, be and they are hereby declared to be a body politic and corporate to be known by the name and style of "The town of Gainesville;" and by that name, may sue and be sued, plead and be impleaded in all the courts of this State; may have and use a corporate seal; and may purchase, hold, and dispose of property of all kinds, real, personal and mixed, in said town.

Sec. 2. That the limits of said corporation shall include all that is embraced in the following boundary lines, to-wit: Beginning one-half of one mile due north of the center of the public square of said town of Gainesville, thence east one-half mile, thence south one mile, thence west one mile, thence north one mile, thence east one-half of one mile to the beginning.

Sec. 3. That the presiding justice of the said county of Cooke is hereby authorized to have said town laid off by the county surveyor of said county, or by any practical surveyor, whose duty it shall be to make notes defining its limits, which said notes and survey shall be delivered to said justice and by him filed in the office of the clerk of the District Court of said county; and the said justice and surveyor shall be paid such fees as the board of aldermen of said town may allow them, for the services herein required of them.

Sec. 4. That an election shall be held in said town on the first Tuesday in April, 1873, and annually thereafter on the first Tuesday in April in each year. At such election shall be elected a mayor, five aldermen, a treasurer and a marshal; and the persons elected shall continue in office one year, and until their successors are duly elected and qualified.

Sec. 5. The first election under this act shall be ordered by the presiding justice of said county of Cooke, who shall give at least ten days' notice of such election, by posting notices thereof in five public places within the corporate limits of said town, and also by publish-

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ing such notice in some newspaper published in said town, at least once before said election. Said justice shall appoint as inspectors of said election three resident citizens of said town, who shall, before entering upon their duties, take and subscribe the oath required by the Constitution of this State. The certificate of such inspectors of the election of any of the officers provided for in this act, shall empower such officers to enter upon their duties, after they shall have taken and subscribed the oath required by the Constitution of this State.

Sec. 6. Notice of all subsequent elections for officers of said town shall be given by the mayor, by causing printed or written notices thereof to be posted up in at least five public places in said town, and also by publishing such notice in some newspaper published in said town, which posted and published notice shall be given at least two weeks before the election shall be held. Three inspectors of election shall be appointed by the board of aldermen for each election; and the certificate of such inspectors of the election of any of the officers provided for in this act shall empower such officers to enter upon their duties, after they shall have taken and subscribed the oath required by the Constitution, and given the requisite bond, in cases where bond is by this act or by the by-laws of said town required to be given, and after the expiration of the term of office of the then incumbent thereof.

Sec. 7. That whenever a vacancy shall occur in the office of mayor of said town, there shall be one elected by a majority of the aldermen to fill such vacancy, and the person so elected shall hold his office until the next election of officers of said town, or, until his successor shall be duly qualified.

Sec. 8. That no person shall be eligible to the office of mayor, alderman, treasurer, or marshal, unless he is a qualified voter and a citizen of said town; and no person shall vote in any election for officers of said town, unless said person be a qualified voter of Cooke county, and a citizen of said town, who shall have resided in said town sixty days preceding such election.

Sec. 9. That the mayor shall be president of the board of aldermen; that a majority of said board shall constitute a quorum to transact business, and that such board may enact such by-laws for the government of said town, not inconsistent with the Constitution and laws of

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this State, as may be by them deemed proper and necessary, and may prescribe fines or imprisonment, or both fine and imprisonment, for disobedience of such by-laws; provided, that no fine in any case shall exceed one hundred dollars, and no imprisonment shall be for a period longer than ten days; and may fix the times of the regular meetings of said board, and may provide for calling extra sessions of the same.

Sec. 10. That the board of aldermen shall have and exercise control over the streets and public places of said town; shall have power to levy an ad valorem tax on all the property, real, personal and mixed, within the corporate limits of said town; provided, that said tax in any one year shall not exceed one-half of the State tax on said property in such year; and the said board of aldermen shall have power to levy and collect a license tax on all occupations taxed by the laws of this State; provided, that such tax shall not exceed one-half of the State tax on such occupations. The said taxes shall be assessed and collected by the marshal, or in such other manner as the board of aldermen may direct, in accordance with the act regulating the collection of taxes for the State of Texas.

Sec. 11. That the board of aldermen shall have power to appoint such additional officers as they may deem necessary, and shall regulate and prescribe the duties and compensation of such officers, and may require of any of them bond and security, in such penalty as may be deemed requisite to compel the efficient discharge of such duties as may be assigned them in said town of Gainesville, which bond shall be payable to the mayor of said town and his successors in office.

Sec. 12. That all offenses against the by-laws of said town shall be prosecuted before the mayor; provided, that any person shall have the right of trial by jury, by depositing with the mayor three dollars as jury fee, or by making oath that he is unable to pay such fee. All prosecutions before said mayor shall be governed by and in accordance with the laws organizing justices' courts; and said mayor shall have criminal jurisdiction co-extensive with the limits of the said town of Gainesville.

Sec. 13. The marshal or his deputy shall execute and return all writs issued by the mayor, in the same manner as is provided by law, defining the duties of constable.

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Said marshal shall give bond and security in such penalty as shall be required by the board of aldermen, which bond shall be payable to the mayor of said town and his successors in office, and shall, with all bonds provided for in this act, be approved by the board of aldermen, and be recorded in the office of the clerk of the District Court of Cooke county. The said marshal shall have the same power as a constable under the laws of this State, and shall be entitled to the same fees as a constable, and to such additional compensation as the board of aldermen may allow.

Sec. 14. That in case of the death or resignation of any one of the aldermen, a majority of said board shall have power to fill such vacancy, under such rules and regulations as may be prescribed by the board, until the next election of officers of said town. Said aldermen shall be entitled to such compensation as may be allowed them by the board; provided, in no case shall the same exceed two dollars per day for each day they may be required to sit as such aldermen.

Sec. 15. That the mayor be and he is hereby invested with all the power and criminal jurisdiction of a justice of the peace within the corporate limits of the said town. Said mayor shall be entitled to such fees as are allowed justices of the peace for similar services, together with such other compensation as may be allowed by the board of aldermen.

Sec. 16. That the treasurer shall keep safely all the money of said corporation, shall pay out the same upon the order of the board, and shall perform such other duties as may be assigned by the by-laws. He shall give bond, with security, payable to the mayor and his successors in office, in such sum as may be deemed proper by said board of aldermen, conditioned for the faithful performance of his duties, which bond shall be approved by said board, and recorded in the office of the district clerk of Cooke county. Said treasurer shall be allowed such compensation as is by law allowed to county treasurers.

Sec. 17. That there shall be elected by the board of aldermen, from and out of their own number, a secretary, whose duty it shall be to keep correct minutes of the acts of said board, in a well bound book or books, to be open at all reasonable times for the examination of any citizen

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or legal voter in said corporation. Said secretary shall receive such compensation as may be allowed by the board.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved February 17th, 1873.

CHAPTER VII.

An Act to Incorporate the City of Fort Worth in the County of Tarrant.

Article I.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that district of country contained within the following limits, to-wit: In Tarrant county, beginning at the northwest corner of the A. Gouhenaut survey; thence south, crossing the West Fork of Trinity river, to the north bank of the Clear Fork of Trinity river; thence up Clear Fork, on the west bank of the same, to the south line of the Geo. Shields survey; thence east, with the south line of said Shields survey, to the southeast corner of the same; thence south to S. G. Jennings' southwest corner; thence east, with the south line of said Jennings' survey, and with south line of P. T. Welch and M. A. Jackson's survey, to the southwest corner of James Sanderson's survey; thence north, with the east lines of M. A. Jackson and B. F. Crowley's surveys, to the northeast corner of said Crowley's survey; thence west, with the north line of said Crowley's survey and the north line of R. Briggs' survey, to the center of the said north line of said Briggs' survey; thence north four hundred yards; thence west to the west bank of Trinity river; thence up the river to the north line of the M. Baugh survey; thence west to the place of beginning; is hereby declared to be the external boundaries of "The City of Fort Worth."

Sec. 2. That the inhabitants of the city of Fort Worth, as the same extends and is laid out as above, be and they and their successors are hereby constituted a body corporate and politic, by the name and style of the "City of Fort Worth;" and by said name shall have succession,

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shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions of whatsoever nature; may purchase, receive and hold property, real and personal, within said city, and may sell, lease or dispose of the same for the benefit of the city; and may purchase, receive and hold real and personal property beyond the limits of the city for a cemetery or cemeteries for the burial of the dead of the city, for the erection of water works for the use of the city, and for the erection of hospitals or pest houses for the reception of persons infected with contagious or other diseases, and may sell, lease or dispose of the same for the benefit of the city; and may do all other acts as natural persons, not contrary to law; and under the restrictions of this charter, shall have and use one common seal, but may change or alter the same.

Article II.—Officers.

Section 1. One mayor, five aldermen, one treasurer, one secretary, one marshal, one assessor and collector, and one attorney, shall constitute the officers of said corporation, to be elected by the people. All other officers and servants of the corporation shall be elected, appointed or employed by the mayor and aldermen; provided, that when the city shall have been laid off and divided into wards by the council, they shall have power to increase, by ordinance, the number of aldermen to be elected, so that there shall not be exceeding two in or for each ward, and there shall be at least one in each ward, but no ward shall have a greater number of aldermen than any other ward in the city.

Sec. 2. The mayor and aldermen shall constitute the city council, and the mayor shall, when present at a meeting of the council, be the presiding officer; but when the mayor is absent, or the office from any cause vacant, a presiding officer shall be chosen from their own body by a majority vote, and shall sign his name, and be known as "acting mayor;" provided, that a majority of all the aldermen is necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time until a quorum can be had, and may have power to enforce the attendance of absent members.

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Article III.—Tenure of Office.

Section 1. All the officers above enumerated shall hold their office for a period of one year, or until their successors shall have been elected, or appointed, and qualified; provided, that persons elected or appointed to fill vacancies shall hold only the unexpired term of the former officer; and provided, further, that nothing herein contained shall prevent the removal of any person from office in the manner hereinafter provided.

Article IV.—Qualification of Electors and Officers.

Section 1. That each and every person who is a qualified elector under the Constitution of this State, and who has resided within the corporate limits for sixty days next preceding an election, shall be a competent elector.

Sec. 2. That any person who is a legal elector shall be competent to hold any of the offices of this corporation; provided, that after the city shall have been laid off into wards, each alderman shall reside in the ward he is elected to represent, and shall have so resided for sixty days next before his election; and if any officer shall remove from the corporate limits, or any alderman from his ward, during his term of office, the same shall become vacant.

Sec. 3. That each and every officer above enumerated and provided for, shall be required, before entering upon the duties of his office, and within twenty days after his election, to take and subscribe an oath to faithfully discharge the duties of his office, which oath shall be filed by the secretary in his office, and within said time; the treasurer, tax assessor and collector, the marshal and the secretary, shall each enter into bonds, with good and sufficient sureties, in an amount to be fixed by the council, conditioned for the faithful performance of their respective duties, and that they will respectively pay over and account for all money and property that shall come to their hands as such officers; said bonds shall be made payable to the mayor and his successors in office, and shall be approved by the mayor; provided that if any one elected to office fail to qualify, as required in this section, within the time allowed therefor, the office, so far as he is concerned, shall become vacant.

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Sec. 4. That the bonds of all officers, who are required to give bond, be spread of record, in a suitable book kept in the secretary's office, and the originals filed in the office of the corporation. That a certified copy of any bond from said record book, under the hand of the secretary and the seal of the corporation, be evidence in any court of this State, without further proof. That more than one suit or action may be brought on any of said bonds, in the same way as upon the bonds of State or county officers.

Sec. 5. No person holding an office of trust or profit under the United States, or of the State or county, shall, at the same time, hold any office under this corporation; nor shall any person hold two or more offices at the same time under this corporation.

Article V.—Elections.

Section 1. That the first election for the elective officers of this corporation shall be held on the first Thursday of the next month following the month in which this law is finally passed and approved; provided, that if it is not held at said time, that it shall be held on the first Thursday of the next succeeding month. The elections shall be held thereafter annually on the first Thursday of the same month in which the first election is held.

Sec. 2. That the presiding justice of Tarrant county shall cause said first election to be opened and held by three persons appointed by himself, who shall act as judges, and who shall appoint two persons to act as clerks; said judges and clerks, before entering upon their duties in holding the election, shall take an oath, before some officer authorized to administer oaths, to faithfully and impartially perform the duties incumbent upon them, and a true return make of the results of the said election. The returns shall be made to the presiding justice, who shall notify the persons elected of their elections; and in case of a tie for any office, shall order and cause to be opened and held a new election for said office as soon thereafter as practicable, in the same way as above provided. The said presiding justice shall give notice by publication in a newspaper in the city, or by posting in at least six public places in the corporate limits, for at least ten days before the day of

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election, of the time and place of holding the same; provided, that the expenses of holding said(election shall be a charge against the corporation, to be recognized by the city council, and paid out of the first moneys that may be received into the treasury of the same.

Sec. 3. At all elections for the election of officers of this corporation, the polls shall be opened at nine o'clock A. M., and kept continually opened until four P. M. of the same day, and upon the closing of the polls the ballots shall be immediately counted, and the result declared. At such counting, there shall be at least twelve qualified electors permitted to be present if they desire.

Sec. 4. That at all subsequent elections, the council shall appoint persons to hold the elections for officers of this corporation, and the mayor shall give notice of the same, of the time and place of holding the same, in the manner hereinbefore provided for the first election; and that the persons so appointed to hold elections shall each take an oath as provided for the persons who hold the first election. That the persons holding all elections after the first shall report the results of the same to the mayor, who shall immediately thereafter notify the persons elected thereof.

Sec. 5. In cast of a tie between any two or more persons, who are candidates for the same office, the mayor shall immediately order a new election, which shall be advertised as above, and held as soon thereafter as practical; in which new election other persons than the first candidates may become candidates.

Sec. 6. After the city shall have been laid off into wards, the aldermen shall be elected by the voters of the several wards in which they are candidates to represent, and the council may then provide for elections to be held in each of the several wards; or in case they do not, shall have a ballot box for each ward, and the ballots shall be deposited, respectively, in the box for the ward in which the elector lives.

Article VI.—Duties and Powers of Officers and Council—The Mayor.

Section 1. The duties and powers of the mayor, in addition to his other duties herein specified, shall be as follows:

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First—He shall have power at any time, when he may deem it necessary, to call a meeting of the aldermen, in which case he must have all of the aldermen, who are present in the city, notified of the time and place of said meeting, and when the council is convened, it shall be his duty to communicate to them the cause or occasion of the meeting.

Second—When present at a meeting of the council he shall be the presiding officer, and shall have the casting vote in case of a tie; in all cases where only a majority vote is required, and in all cases for dismissing an officer, he shall have a vote the same as an alderman.

Third—When an ordinance has been passed by the board of aldermen, it shall not be of effect until approved by the mayor, or acting mayor, and he shall have five days within which to approve or disapprove the same; provided, that if he neither approve and return, or disapprove an ordinance within the time allowed, that it take effect as though he had approved it; and that in case of disapproval, he shall write thereon his reasons for so doing; and provided further, that by a three-fourths vote of the aldermen an ordinance may be passed over the disapproval of the mayor.

Fourth—The mayor's jurisdiction and powers, under the State laws for criminal offenses, shall be co-extensive with that of a justice of the peace, as regards all offenses committed within the corporate limits. In relation to a violation of penal ordinances passed by the common council, he shall have power to try the same, and, on conviction, to execute the penalty therefor through the city marshal, sheriff, constable or policeman, in the mode and manner prescribed by ordinance therefor.

Fifth He shall have power to issue warrants of arrest for any person committing an offense against the criminal laws of the State, and for any person violating any ordinance of the city council, upon complaint being made to him by any person, on oath, accusing the party sought to be arrested, and shall have power to have the same served or executed by the marshal, sheriff, constable or any policeman; and in case of a violation of thec riminal law policeman; and in case of a violation of the criminal law of the State, or a penal ordinance of the city council, in his view or presence, he shall have power to arrest the offender or offenders without warrant. He shall have power to issue subpoenas for witnesses, and all other pro-

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cess necessary to bring about a trial and execution for an offense under his jurisdiction; provided, that subpoenas for witnesses may be issued by the secretary, also.

Sixth—He shall have the same powers as coroner, within the corporate limits, that justices of the peace now have in their jurisdiction.

Seventh—He shall cause the secretary to keep a record of all his (the mayor's) proceedings, and transmit the same to the council, at the termiation of his office, to be kept as an archive of the corporation.

Eighth—He shall, once every year, within one month next before the election for officers, have made out by the proper officers, and sworn to, a complete account of the finances for the past year, stating all the money received, and from what source, and all the money paid out, and what for, and have the same published in a newspaper published in the city.

Ninth—He shall at all times see that all the ordinances of the common council are executed; that all subordinate officers perform their duties, and report to the council as to delinquencies and misconduct of said officers. He shall also, from time to time, recommend to the council for their consideration, such measures as he may deem important.

Tenth—The mayor, for like services, shall be entitled to the same fees of office that justices of the peace are now entitled to by law, to be taxed in the bill of costs, and collected in the same manner as costs of a justice of the peace are collected; and in addition to this, shall be allowed such salary, not to exceed twelve hundred dollars per year, as the board of aldermen may fix upon.

The City Council.

Section 1. The council shall meet twice in each month in regular meeting, and as many other times as occasion shall require; and in the absence of the mayor, any three of the aldermen shall have power to call a meeting. Aldermen shall each be allowed two dollars per day as a fee for their attendance upon regular meetings, and fifty cents for called meetings; provided, that each alderman shall forfeit to the corporation two dollars for failing to attend any meeting of the council, regular or called, unless he or some of his family are sick, or he absent from the city, or has not been notified of a called meeting.

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Sec. 2. They shall fix the salaries and fees of officers under the restrictions herein provided, but no officer's salary shall be increased or diminished during his term of office. They may prescribe other duties for any of the officers not herein prescribed, and not inconsistent with law or with this charter, and may provide reasonable additional fees for said duties; and may, from time to time, as occasion requires, create new offices and prescribe the duties thereof, and the compensation to be allowed for the same. The council shall have control of the finances and property of the corporation for its use and benefit, and may sell, lease or dispose of the same; provided, that no real estate shall be purchased or sold without a concurrence of a majority of all the aldermen; and out of the revenues and other income the municipal government must be sustained, and after this is done, the remainder may be applied to purchasing property, as hereinbefore provided, improving the same, and to making such improvements and adornments in and of the city as a majority of the council may deem necessary and proper. And the council may contract a debt or debts against the corporation, for the purpose of carrying out any of the matters in this section contained; provided, that said debts shall not at any one time be made to exceed the sum of ten thousand dollars ($10,000); and provided, further, that no debt or appropriation for any one purpose of a greater amount than five hundred dollars ($500), shall be made without the concurrence of a majority of all the aldermen. But if the city council deem it advisable to incur an indebtedness exceeding said amount, they may specify the amount desired, and the purpose or purposes for which it is desired, and submit a question to the legal voters within the corporate limits; and the same, to make it legal, shall be sanctioned by three-fourths of the votes cast.

Sec. 3. The city council may, by a concurrence of two-thirds, for good cause expel or dismiss any officer of the corporation elected by the people; but the party accused shall be entitled to have written charges preferred against and served upon him, and the right of making defense; provided, that upon the charges being preferred, he may be suspended until a final trial can be had, and, if necessary, a majority of the council may appoint some suitable person to act in his stead, until his case is dis-

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posed of. The council may, by a majority of the whole, dismiss, in a summary manner, any officer appointed by them, and immediately appoint, or elect another in his stead; provided, that drunkenness, among other things, shall be a good cause for the expulsion or dismissal of any officer.

Sec. 4. The council shall keep a journal of its proceedings, and the yeas and nays of the members, on any question, shall, at the desire of any two of the members present, be entered on the journal. Said journal shall be open to public inspection.

Sec. 5. The council may, so soon as they may deem it expedient and proper, lay off and divide the city into wards, making said wards as near the same size as may be, with regard to qualified electors, and may afterwards increase the number or alter the wards; provided, that no section or portion of the city shall be laid out into a ward with a less number than seventy-five qualified electors residing in the limits so laid out.

Sec. 6. They may provide for the erection of and erect a hospital, a market house or houses, a work house in which to confine persons at labor in default of the payment of fines or penalties and costs for violation of any of the penal ordinances of the council; a calaboose or prison, and such other buildings as they may deem necessary for the use of the city; provided, that the council may make such arrangements as they can, and may deem expedient, with the authorities of Tarrant county, for the use of the jail of said county, and use the same as a prison until such time as they can or may have one of their own erected.

Sec. 7. In addition to the foregoing powers, the city council shall have power, by ordinance, as follows:

First—To levy and collect taxes, not exceeding one-half of one per cent. ad valorem, upon all property liable by law to taxation for State and county purposes. To make unpaid taxes a lien upon real estate. To levy and collect a specific tax on dogs, and destroy those upon which it is not paid; [provided,] that the tax on dogs shall not exceed two dollars ($2) per head per annum.

Second—To tax and license merchants and traders in goods, wares and merchandise of every character; dealers in liquors and groceries, wholesale and retail; apothecaries, innkeepers, brokers and money changers, and all

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other occupations taxable under State laws, and prescribe the mode of collection; provided, that said tax shall not exceed one-half the amount imposed by the State law as a State tax on the same occupation.

Third to tax, license and regulate, auctioneers, distillers, brewers, pawnbrokers, tavern keepers, grocers, keepers of ordinaries, eating houses or other houses or places for selling or giving away liquors, whether ardent, fermented or vinous.

Fourth—To tax, license, regulate and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, and all others of like occupations, and prescribe their compensations.

Fifth—To license, tax, regulate and prohibit billiard tables, pin alleys, nine and ten pin alleys; and license, tax regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments by itinerant persons or companies; exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Sixth—To license and regulate butchers, meat vendors, fruit stands, vendors of vegetables and other provisions, and determine the locations in which such trades may be carried on, and may revoke the license of any of the aforesaid persons for malconduct in trade, or for vending unwholesome articles.

Seventh—To provide the mode and manner of issuing all license authorized by this charter, and fix the fees therefor, and to provide for and enforce penalties upon persons pursuing occupations or callings, for which a license is required, without first procuring the same.

Eighth—To direct the location and management of breweries, tanneries, slaughtering establishments, soap factories, places for rendering tallow, lard or offal, and all other places or establishments where any nauseous, offensive or unwholesome business may be carried on.

Ninth—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time as often as may be necessary for the health, comfort and convenience of the inhabitants of the said city.

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Tenth—To suppress and restrain disorderly houses, and bawdy houses, and gaming houses, and punish the owners, keepers, occupants and frequenters of the same, and to authorize the destruction of all instruments or devices used for the purpose of gaming.

Eleventh—To prevent any breach of the peace, riot or noise, disturbance or disorderly assemblage, and to disperse or arrest the persons participating in the same, without warrant, by any officer of the corporation. To prohibit the carrying of pistols, dirks, or other dangerous weapons, and to regulate and prohibit the discharge of firearms.

Twelfth—To direct and control the location and management of houses for the storing of gunpowder and other combustible materials.

Thirteenth—To regulate and control the keeping and carrying of gunpowder and other combustibles and dangerous materials, and the use of lights and fire in stables and outhouses.

Fourteenth—To provide for extinguishing fires, and to compel any person or persons present to aid in the same, or arrest suspicious persons lurking in the vicinity.

Fifteenth—To regulate, suppress, or prohibit the construction of any furnace, fire-place, chimney, oven, stove, or other apparatus, in any building, manufactory, or place which may be dangerous in causing or promoting fire, and to regulate the disposition and deposit of ashes.

Sixteenth—To appoint inspectors to enter into premises and houses, public and private, and inspect the condition of the same, the chimneys, flues and stoves, and to cause such as may be in an unsafe or dangerous condition to be made safe and secure.

Seventeenth—To establish fire limits, and extend the same from time to time, and direct the kind of material to be used in buildings in said limits, and prevent the rebuilding or repairing of wooden buildings therein when they deem it expedient.

Eighteenth—To provide water for the city, keep the wells, cisterns or water-works in repair, and provide measures to prevent the water being wasted or improperly used.

Nineteenth—To open, extend, establish, grade, pave or otherwise improve, clean, and keep in repair streets, lanes and alleys.

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Twentieth—To prevent the encumbering of streets, sidewalks, lanes, alleys and public grounds, with wagons, carriages, carts, wheelbarrows, boxes lumber, signs, awnings, or any substance or material whatever.

Twenty-first—To prohibit immoderate riding or driving, and to regulate or prohibit the driving of loose stock in the streets, and to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while remaining in the streets.

Twenty-second—To regulate or prohibit the running at large of animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of proceeding.

Twenty-third—To prohibit all kinds of amusements or practices having a tendency to annoy persons passing on the streets, or that is calculated to frighten teams and horses.

Twenty-fourth—To prohibit the selling or giving away of ardent spirits to minors, and to restrain drunkenness and revelry, and to arrest and punish persons found intoxicated in a public street or place.

Twenty-fifth—To make sanitary regulations, and enforce the same in an area of country five miles in every direction from the centre of the court house square.

Twenty-sixth—To provide for and regulate the inspection of all provisions, whisky and other liquors, and to appoint inspecte[o]rs, weighers and gaugers, and regulate their duties and fees.

Twenty-seventh—To provide for the measurement and inspection of all lumber, wood and other fuel, and for weighing hay and other forage, and regulate the place or places at which they may be kept for sale.

Twenty-eighth—To provide for lighting the streets, and regulate the same.

Twenty-ninth—To compel any railroad company to erect, at their own expense, suitable culverts, bridges or crossings, at all the intersections of their road by public streets or highways, and keep the same open. To keep lights and suitable signs at the same, and regulate the running of trains in the corporate limits, and compel the engineer or other person running a locomotive or train, to ring the bell, or make other alarm, upon the approach of a crossing of the railroad by any street or highway.

Thirtieth—To make such rules, by-laws and ordinances

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generally, for the purpose of maintaining the peace, good order and government of the city, and the trade, manufactures and commerce thereof, as the council may deem expedient, not repugnant to the Constitution and laws of the State, and to enforce the same; and shall have the same powers over and with regard to any property belonging to the city outside of the corporate limits as that within the same.

Thirty-first—To provide for and enforce the observance of and compliance with any ordinance of the said council by fines, penalties, forfeitures and imprisonment; but no fine or penalty for the same offense shall exceed fifty dollars and imprisonment for twenty days; and may sue for and recover any forfeiture in any court having jurisdiction; and any person who fails to pay any fine or penalty that may be assessed against him, and the costs of the proceeding, may be compelled to work in the work house, or on the streets, or any other public works of the city to liquidate the same, and shall be allowed, besides board and lodging, fifty cents per day; provided, that no one shall be kept at labor as aforesaid for more than twenty days for the same offense, though the remainder of the fine and costs, if any, unliquidated, shall stand as a judgment against the offender, and may be collected as under execution; and provided, that no female shall be compelled to work on the streets, or at other work not usually performed by females; provided further, that none of the taxes, fines, penalties and forfeitures authorized by any section or part of this act, as an occupation tax, or licenses or fees on or for any occupation, trade, calling or profession, shall never exceed in amount one-half of the State tax levied and authorized to be collected on such occupations, trades or professions by the authority of the general law of this State.

Treasurer.

Section 1. It shall be the duty of the treasurer to receive and safely keep all the moneys and other funds of the corporation, and pay the same out in accordance with the ordinances and directions of the council; and as often as required by the mayor or council, to make a statement of the receipts and disbursements for any given length of time, and of the amount of money or other

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funds on hand; and for his services he shall receive a per cent. of the funds or moneys received and paid out. The per cent. for receiving and the per cent. for paying out to be fixed by the council; provided, that there shall not be a greater per cent. allowed him than is allowed county treasurers for like services.

Sec. 2. The treasurer shall be prohibited from buying, or in any manner, directly or indirectly, trading in any city warrants or other evidences of indebtedness of the city, under a penalty of one hundred dollars for each offense, and of being dismissed from office. He shall be liable on his official bond for the penalty aforesaid.

Secretary.

Section 1. The secretary shall have the custody of the corporate seal; shall act as clerk for the mayor, and record his judgments and proceedings, and may issue subpoenas for witnesses, and executions for the collection of fines and costs, over his own signature, and without the signature of the mayor; and shall issue license to persons who are required to have license for any business or occupation, upon the person producing from the tax assessor and collector a receipt for the payment of the required tax, for the time the license is desired; shall keep a record of all licenses issued, and take in and file the receipts of the assessor and collector, which receipts shall be evidence against the assessor and collector on settlements of his accounts. He shall attend the meetings of the aldermen, and record all ordinances made by them, and all their proceedings required to be put of record, and keep all other records of the corporation, and may receive fines, forfeitures and costs, and pay out and disburse the costs to the persons entitled thereto. He shall be authorized to administer oaths. His salary or fees of office shall be fixed by the council, and may consist of fixed fees for specific services, or a fixed salary, or both; but his fees for specific services shall not be greater than the fees allowed county officers for like services.

Marshal.

Section 1. It shall be the duty of the marshal to execute all writs or process from the mayor or secretary; to

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wait upon the mayor's court when sitting for the trial of offenses; to enforce the keeping of the peace; to arrest, either with or without warrant, any or all persons he may know, or have good reason to suspect of violating any of the criminal laws of the State, or ordinances of the city. And he shall have power to appoint one or more deputies. He shall have power to nominate, subject to the approval of the city council, all the subordinate police force and night watches of the city, whose salaries shall be fixed by the city council, and who shall be subject to removal by the council as hereinbefore enacted. He may recommend for removal any of the members of said police force and night watchmen to the council. He shall have power to execute any kind of the process aforesaid anywhere, only for offenses committed within the corporate limits of the city of Fort Worth, in the county of Tarrant, at large; and that the regular police force of the city shall have the right, in the city limits, to arrest, without warrant, for offenses against the penal ordinances of the city; and all persons accused shall be entitled to a speedy trial, and by a jury if demanded by them. He shall have the same power and authority as a sheriff has to summon persons to assist him in making arrests, and persons failing or refusing to obey his summons may be punished in such manner as the council may prescribe by ordinance; provided, that such party shall not be imprisoned; and provided further, that the mayor and aldermen of the city, or any of them, shall not have the power to imprison any person as a penalty or punishment, but only for the purpose of coercing payment of fine and costs. Nor shall the mayor or aldermen of said city, or any of them, have the right to confiscate or destroy the private property of any person, or take such property without paying first for same a just compensation, and not then only by due course of law. He shall have specific fees for specific services, to be taxed with the costs in each case, and collected as other costs; and said fees shall, in no instance, exceed those of a sheriff for like services; and the mayor may make him an allowance, from time to time, for waiting on his court, and the same shall be passed upon by the council, and the fact certified to by the secretary, after which it shall be the duty of the treasurer, upon presentation, to pay it.

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City Attorney.

Section 1. It shall be the duty of the city attorney to prosecute all cases for offenses before the mayor. To prosecute or defend, on behalf of the corporation, all matters of litigation in any court; but in such case the city council may employ other attorneys to assist him, and even direct that such council control the case; and it shall be his duty to yield to their wishes. To advise and assist the city council or other officer of the corporation in any legal matter on behalf of the corporation. His fees or salary shall be fixed by the council. In prosecuting cases for offenses before the mayor, his fees shall be graded, owing to the magnitude of the offense, and in case of acquittal, and where he enters a nolle prosequi, he shall have no fee at all, and he shall enter no nolle prosequi without the consent of the mayor.

Tax Assessor and Collector.

Section 1. It shall be the duty of the tax assessor and collector to assess and collect all ad valorem taxes due the corporation, and to collect all license, occupation or other taxes, and keep and render a true account of the same, and to pay over all moneys and funds, his commissions excepted, to the treasurer as fast as collected, and take his receipt for the same, which shall be a good voucher for him on settlement.

Sec. 2. The assessment books, when made out by the assessor and collector, shall be deposited in the secretary's office, and there kept open for public inspection for the public for at least one calendar month; and any one thinking himself or herself aggrieved by the assessment, may appeal to the council for relief; and if it be refused him, he may appeal to the district court; but in case of an appeal to the district court, and where said court sustains the assessment made by the assessor and collector, or in case the decision of the council is confirmed, there shall be twenty-five per cent. of the amount appealed from added to the original sum as costs and damages.

Sec. 3. No tax assessor and collector shall be allowed, directly or indirectly, to buy, or in any manner trade or speculate in any city warrants, sureties, or other evidences of indebtedness against the city; and for each and

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every offense of this character, shall forfeit and pay to the corporation one hundred dollars, and shall be liable on his official bond for the same, and shall be dismissed from office. His fees shall be a per cent. on the amount of taxes assessed, for assessing, and a per cent. of the amount actually collected, for collecting. The per cent. for assessing shall not be made to exceed four per cent., and the fees for collecting shall not exceed five per cent.

Miscellaneous Provisions.

Section 1. All ordinances shall be in this form: "Be it ordained by the city council of the city of Fort Worth;" and shall be signed by the mayor, or acting mayor, and secretary; or in case the mayor neglects to sign it within the time provided therefor, this fact shall be certified to by the secretary, and the certificate entered of record with the ordinance, and also published with the same; or in case the mayor, or acting mayor, disapproves the ordinance, and the aldermen pass the same over his disapproval, the names of all of said aldermen voting for the ordinance shall appear to the same.

Sec. 2. The certificate of the secretary, accompanied by the seal of the corporation, shall be sufficient evidence of any ordinance to authorize its publication, and after the same is printed, a printed copy thereof shall be received in evidence, or as authority, without further proof.

Sec. 3. No ordinance of a penal nature shall take effect until the same has been published for ten days, said publication to be made in a newspaper published in the city, or by posting printed copies in at least twelve places therein.

Sec. 4. Every officer, as soon as demanded, after the qualification of his successor, shall turn over to him all the books, papers, money, and property of the corporation in his hands as such officer, and for a failure so to do shall incur a penalty of one hundred dollars, and all damages and costs that may accrue, to be sued for and recovered in any court of competent jurisdiction.

Sec. 5. No officer can be surety on any bond, note or other debt or liability to the corporation; and no officer shall be competent, or be allowed to qualify, for a second

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or other term of the same, or any other office of the corporation, until his accounts or liabilities with the corporation are liquidated and settled; and if any person is elected to office who is in any manner indebted to the corporation, his said indebtedness shall be paid off before he is allowed to qualify; provided, that if any person should be allowed to qualify and enter upon the duties of any office while under any of the disabilities imposed in this section, that he may be restrained and enjoined from acting as such officer at the suit of any one or more citizens of the corporation.

Sec. 6. No officer of the corporation shall, directly or indirectly, take any contract of any character let by the city; and no member of the council shall purchase from or sell to the corporation any property of any kind, while acting as such officer.

Sec. 7. This act shall have the force and effect of a public act, and all the courts of the State shall take judicial notice of the same, and it may be used in all courts and places without being specially plead and without proof.

Sec. 8. That this act shall take effect and be in force from and after its passage.

Approved February 17th, 1873.

CHAPTER VIII.

An Act for the Relief of Wm. J. Russell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and is hereby authorized and required to issue to Wm. J. Russell, one of the survivors of the Texas Revolution, a land certificate of twelve hundred and eighty acres, for his services one year in the army of Texas, during the years 1835 and 1836; and a further certificate of six hundred and forty acres for his participation in the cam[paign][1] against Bexar in 1835.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed February 19th, 1873.

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[1] Mistake in enrolled bill.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the third day of March, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER IX.

An Act to authorize the County of Marion to Issue Interest-bearing Bonds for the Building of a Court House and Jail in said county.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. T. Veal, J. Wilbourne Young and John B. Ligon, be and are hereby appointed commissioners and trustees of the county of Marion, in the State of Texas, to procure grounds in a suitable location in the city of Jefferson, in the said county of Marion, upon which to erect a court house and jail for the use of said county, free of charge to said county. That said commissioners, or any two of them, may, after said grounds are secured, proceed as soon as practicable, to cause said buildings to be erected for the use aforesaid, and to pay for the same with the bonds of said county as hereinafter described; or to sell said bonds, and pay for said buildings out of the proceeds arising from the sale of said bonds, as to them may seem best.

Sec. 2. That when said grounds are selected by said commissioners, and the sum ascertained to be necessary to pay for said buildings, said commissioners shall cause to be printed, or engraved, the bonds of said county, to become due and payable twenty years after the date thereof; to bear interest at the rate of eight per cent. per annum, from the date of said bonds, and to have coupons attached to each of said bonds for each year's interest thereon, to become payable to bearer on the first day of July of each year after the date of their issuance. The total amount of said bonds shall not exceed the sum of seventy-five thousand dollars, and they shall be issued in sums not less than one hundred, nor more than one thousand dollars each; which said bonds, when so

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printed or engraved as aforesaid, shall be signed by the presiding justice of the peace of said county, and countersigned by the clerk of the District Court of the said county, and attested by the seal of said court, and shall then be numbered and registered by the said clerk in the records of said county, and endorsed by any two of said commissioners, with a memorandum, as follows, viz: "This bond is issued by the county of Marion, in the State of Texas, to pay for building of a court house and jail for said county;" which said endorsement shall be dated and signed by said commissioners, or any two of them, and without said endorsements said bonds shall be null and void. In case of the failure of any of the commissioners to accept this trust, or to act as such, any two of said commissioners may appoint a third one, by recording said appointment in the records of the District Court of said county; but if no two of them shall act as such, then the county court shall appoint such number as may be required to fill the said commission.

Sec. 3. That when said bonds are signed, and before they are issued, the County or Police Court of said county shall levy, and thereafter cause to be collected, under the general laws of this State, a poll tax of fifty cents on each male citizen of said county over twenty-one years of age, and a tax on all the real and personal property of the said county, to raise a sum sufficient to pay the annual interest on said bonds, and a sinking fund of two per cent. to meet the principal thereof; which sum when so collected shall be used for no other purpose than that for which the same is collected. That said tax shall be annually thereafter levied and collected and appropriated as aforesaid. That in the month of June of each year said county or police court shall advertise, in a newspaper published in said county, that they will, on the first day of July of said year, be ready to pay off and take up the amount of said bonds which the funds on hand may meet; and if the holder or holders of any of said bonds shall present the same for payment in a sum sufficient to take up the funds on hand, said court shall purchase or pay off such an amount of the same as they may be able to do with the funds in their possession, collected and set apart for this purpose; and if none of said bonds are presented, the said court shall select, by drawing from the whole number of outstanding bonds, a num-

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ber of the same of an amount equal to the sum of money then on hand, and shall publish in said newspaper for one month that they are ready to pay off and take up the amount of bonds aforesaid, and shall designate the number of the bonds which have been drawn as aforesaid, and notify the holder or holders thereof to deliver the same for payment; and if the said bonds designated as aforesaid be not presented and paid off, they shall cease to bear interest forever thereafter.

Sec. 4. That when said bonds and coupons are paid off and taken up each year, they shall be canceled by the clerk of said court, by writing the word "canceled," and the date of said cancellation, legibly across the face of each, and signing his name officially thereto, attested by the signature of the county treasurer, and shall record said cancellation in the minutes of said county court, and shall file said bonds and coupons, canceled as aforesaid, among the archives of his office.

Sec. 5. That for the purposes of levying and collecting the taxes herein above named, all the laws of the State regulating the levy and collection of taxes shall apply, and be enforced for the levy and collection of this tax; and the officers authorized by law to levy and collect the State and county taxes shall be empowered and compelled to levy and collect the taxes herein provided for, and shall pay the same over to the county treasurer before the first day of July of each year. Said treasurer shall give bond, to be approved by said County or Police Court, with three or more sureties, in double the sum that may come to his hands each year, to secure the faithful disbursement of said money.

Sec. 6. That the act entitled "An act to authorize the County Court of Marion county to issue coupon interest-bearing bonds for building of a court house and jail for said county, and to levy a tax for the same," approved November 28th, 1871, be and the same is hereby repealed, and that this act take effect and be in force from and after its passage.

Approved February 22d, 1873.

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CHAPTER X.

An Act to Incorporate the Town of Pine Hill, in Rusk County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Pine Hill, in Rusk county, be, and they are hereby declared a body corporate and politic, under the name and style of "The Town of Pine Hill;" and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real, personal and mixed; provided, such real property is situated within the limits of said corporation; and shall have a common seal to authenticate instruments of writing, when it shall be required.

Sec. 2. That it shall be the duty of the citizens of said corporation to elect a mayor, marshal and five aldermen. That the marshal shall be ex officio assessor and collector of taxes; that said aldermen shall elect from their own body a treasurer and secretary, and shall have power to appoint such other inferior officers or agents as they may deem necessary for said corporation. The treasurer and assessor and collector of taxes shall each be required to give bond, with security, to be approved by the mayor, for the faithful performance of their duties, and to make reports, when required by the board of aldermen. And the mayor shall have power to suppress riots and disturbances of the peace, to call out the citizens of said corporation for the purpose of restoring order, and to impose a fine, not to exceed twenty-five dollars, on any citizen of said corporation, for refusing to obey such call.

Sec. 3. That no person shall be eligible to any office under the provisions of this charter, who is not a qualified voter of this State, and shall have been a resident within the limits of said corporation for at least six months prior to his election; nor shall any person have a right to vote for officers, who has not been a citizen and resident within said corporate limits at least six months next preceding the day of said election.

Sec. 4. That the mayor and board of aldermen of said corporation shall have power to pass such rules and regulations and ordinances as may be necessary for the preservation of law and order within the corporate limits;

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for the levying of taxes; for the removal of nuisances, and keeping the streets in good order; and for any and all purposes necessary to promote the public welfare and good government within said corporate limits; and they shall have power to prescribe penalties for the violation of the laws and ordinances of the corporation; provided, no tax shall ever be levied exceeding one-half the State tax allowed by law; and provided further, that they shall in no case prescribe penalties to exceed one hundred dollars, or imprisonment for more than fifteen days.

Sec. 5. That the limits of said corporation shall be one-half a mile in every direction from the Masonic lodge building, so that said Masonic lodge shall be in the center of said corporation.

Sec. 6. That the mayor, with a majority of the board of aldermen, shall constitute a quorum for the transaction of business; and, in the absence of the mayor, the board of aldermen shall elect one of their own number mayor pro tempore. The mayor shall have the casting vote in case of a tie.

Sec. 7. That the mayor, marshal and aldermen shall hold their offices for a term of one year. That an election shall be held on the first Tuesday in April next, and annually thereafter, on the first Tuesday in April.

Sec. 8. That the board of aldermen shall have power to enact by-laws, ordinances and regulations, not in conflict with the laws or Constitution of this State.

Sec. 9. That this act take effect and be in force from and after the date of its passage.

Approved February 22d, 1873.

CHAPTER XI.

An Act to Incorporate the Town of Greenville, in Hunt County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Greenville, in the county of Hunt, be, and they are hereby declared and made a body politic and corporate, under the name and style of the "Corporation of the town of Greenville;" by which name they may sue and be sued, plead and be impleaded; acquire and hold property, both real

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and personal, and sell and dispose of the same at their will and pleasure in order to carry out the object of said corporation; provided, such real property is situated within the limits of said corporation.

Sec. 2. That the limits of said corporation shall extend as follows, to-wit: Beginning at a stake that is one-half mile due east from the center of the court house square in said town, thence due north one-half mile to stake, thence due west one mile to stake, thence due south one mile to stake, thence due east one mile to stake, thence due north one-half mile to the place of beginning.

Sec. 3. That it shall be the duty of the citizens, qualified electors under the Constitution and laws of this State, who reside within the foregoing limits, to elect a mayor, four aldermen, and a town marshal, who shall hold their offices one year, and until their successors shall be elected and qualified; that said election shall be held within sixty days after the passage of this act, ten days' notice of said election being given by the presiding justice of the County Court of Hunt county, who shall also appoint suitable persons to act as judges and managers of said election; and it shall be the duty of the mayor and marshal to cause an election to be held annually thereafter, at least ten days before the expiration of their term of office, for the election of all officers herein provided for.

Sec. 4. The mayor and aldermen shall compose the town council, any three of whom shall constitute a quorum for the transaction of all business. Said council shall have power to pass such rules, regulations, ordinances and laws as may be necessary for the regulation of the police and preservation of peace, order and quiet within the corporate limits of said town, and to impose such punishment, both by fine and imprisonment, for violation thereof, as may be necessary to enforce a proper observance of the same; provided, however, that no fine shall exceed one hundred dollars, and no imprisonment shall exceed .... days. Said council shall have power to abate nuisances; prevent, remove or correct whatever endangers the health, cleanliness or comfort of the town or its inhabitants.

Sec. 5. Said council shall have exclusive control and supervision over all streets, sidewalks, alleys and highways within the corporate limits of said town, and shall see that the same is kept in good repair; and shall have

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power to levy and impose a direct property, poll, license and occupation tax upon all such property, persons and employments as are liable to taxation under the Constitution and laws of this State, and to enforce the collection of the same under such rules and regulations as they may adopt; provided, that no property, poll, license or occupation tax shall exceed, for any one year, one-fourth of the tax levied by the state; and provided furthermore, that no tax shall ever be levied by said council upon any property, real or personal, that may be owned, occupied and used exclusively for church, educational or charitable purposes.

Sec. 6. Said council shall, at their first meeting, elect one of their number treasurer, who shall also act as secretary of said council, and shall, before he enters upon the discharge of his duties, take and subscribe the oath of office prescribed by the Constitution of this State, and give bond to said corporation in such sum as may be required by said council for the faithful performance of his duties, and shall receive such pay for his services as may be allowed him by said council.

Sec. 7. The mayor, aldermen and town marshal shall, before entering upon the duties of their office, take and subscribe the oath of office prescribed by the Constitution of this State, which shall be administered by the presiding justice of the County Court of Hunt county.

Sec. 8. The mayor shall give bond to the corporation, in such sum as the council may require, for the faithful performance of his duties; he shall have power, when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order. He shall have such criminal jurisdiction within the limits of said corporation as is now by law conferred upon justices of the peace, charging like fees for his services, and subject in his judicial acts to the same revisory powers; he shall hold his courts for the trial of offenders at such times as may be necessary, and shall keep a record of the proceedings therein had.

Sec. 9. The town marshal shall, before entering upon the duties of his office, give bond and security to the corporation for the faithful discharge of his duties, in such sum as may be required by the council; and it shall be his duty to attend the council during its sessions; to execute all process issued to him by the mayor; sup-

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press all riots and disorderly assemblies; make all arrests, with or without warrant, of persons for violation of any of the corporate laws. He shall have power, when necessary, to call to his aid the citizens within the corporate limits of said town; and he shall receive for his services such fees as are now by law prescribed for constables for similar services. He shall, by virtue of his office, be the assessor and collector of taxes for said corporation; and for such services shall be allowed such compensation as the council may allow.

Sec. 10. All moneys derived from taxation, and all fines collected for any violation of the corporate laws, shall be paid into the treasury of said corporation; and all road tax the citizens residing within the limits of said corporation may be required to pay, under and by virtue of any general law of the Legislature, upon property within said corporation limits, together with the poll tax, shall, and the same is hereby required by the collector of taxes for Hunt county, to be paid into the treasury of said corporation. All moneys derived as provided for in this section shall be appropriated by the council in such manner and in such sums as they may think best, in order to carry out the objects of said corporation, and in constructing and improving the streets, sidewalks, alleys and highways in said town, and whatever is necessary for the comfort, cleanliness and health of said town.

Sec. 11. The compensation of the mayor and aldermen shall be two dollars per day for each day the council may be in session. All compensation for officers, except fees, shall be paid out of the treasury.

Sec. 12. That this act shall take effect and be in force from and after its passage.

Passed March 3d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twelfth day of March, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER XII.

An Act to authorize Alexander Inglish to erect a Toll Bridge over Bois d'Arc Creek, two miles east of the Town of Bonham, in the County of Fannin, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That a charter be hereby granted to Alexander Inglish, his assigns and successors, authorizing and empowering him to erect a toll bridge across Bois d'Arc creek, two miles east of the town of Bonham, in Fannin county, on the road leading From Bonham to Paris, known as the Bonham and Paris road, said bridge to be of the following description: eight hundred yards long, ten feet wide, and three feet above ordinary high water mark, with good banisters along each side, and a passway in the center, the whole to be constructed of good material and in a substantial, workmanlike manner, and that he be authorized and empowered to charge, receive and collect toll for crossing on the same at the rates to be fixed by the Police Court of Fannin county.

Sec. 2. That the Police Court of Fannin county shall appoint three skilled workmen, whose duty it shall be to examine said bridge, and report to said court whether or not the bridge is completed according to the requirements of this charter, and if so, said police court shall issue a certificate to the builder, authorizing him to receive and collect such toll as it may authorize in said certificate.

Sec. 3. The builder of said bridge shall enjoy and exercise the privilege granted to him in this charter for the term of fifteen years from and after the passage of this act; and the builder, his assigns and successors, shall be responsible for all losses sustained or injuries received by a failure on his or their part to comply with the provisions of this charter, such damages to be recovered by suit as in other suits for damages.

Sec. 4. The builder of said bridge shall have power to collect the rates of toll fixed by the Police Court of Fannin county, and also power to collect damages from all persons crossing said bridge and refusing to pay said toll; such suits to be the same as the law directs in other cases for damages.

Sec. 5. This charter shall be void unless the work be

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completed within sixty days after the granting of this charter.

Sec. 6. This act to take effect and be in force from and after its passage.

Passed March 3d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the seventh day of March, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XIII.

An Act to make legal and valid an Election for Mayor, Aldermen, and Constable, of the Town of La Grange.

Section 1. Be it enacted by the Legislature of the State of Texas, That an election for mayor, constable and aldermen of the town of La Grange, held on the 5th, 6th, 7th and 8th days of November, A. D. 1872, and the official acts of said officers, elected at said election, heretofore performed or to be performed, be and the same are hereby declared to be as legal and valid in all respects as if said election had been held at the time and in the mode as provided by the charter of said town.

Sec. 2. That said officers of said town, elected at said election, shall hold their offices, respectively, until the first Monday in February, A. D. 1874, the time provided in the charter of said town for the regular election of said officers, and until their successors shall qualify.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed March 3d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the tenth day of March, A. D. 1773, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and there-

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upon became a law without his signature.—James P. Newcomb, Secretary of State.].

CHAPTER XIV.

An Act to incorporate the City of Sulphur Springs, in the County of Hopkins.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Sulphur Springs, in Hopkins county, be, and they are hereby declared to be, a body politic and corporate, under the name and style of the "Corporation of the city of Sulphur Springs;" and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real and personal. The limits of said corporation shall extend one mile, in every direction, from the center of the public square in said city of Sulphur Springs.

Sec. 2. That it shall be the duty of the qualified electors of said corporation, on the first Tuesday in April, 1874, to elect a mayor and five aldermen, and a city marshal, who shall be ex officio assessor and collector of taxes. Said mayor and aldermen, thus elected, shall elect, out of their own number, or otherwise, as they may deem best, a treasurer and secretary. The treasurer and assessor and collector of taxes shall be required to give bond, with security, to be approved by the mayor, for the faithful performance of their duties, and shall make reports, whenever required by the mayor and board of aldermen.

Sec. 3. The mayor, aldermen, marshal, treasurer and secretary shall each qualify himself for the duties of his office, by taking an oath to execute the same to the best of his ability and judgment, and shall also take the oath required by the Constitution of the State. The oath shall be administered by the presiding justice of the peace, who shall proceed to commission the mayor and deliver certificates of their election and qualification to the aldermen, marshal, treasurer and secretary, respectively; preserving, also, an account of his proceedings herein among the records of his court; but the marshal shall not

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be permitted to act as such until he shall have executed a penal bond to the corporation, with security approved by the mayor, conditioned to account for all moneys which shall come to his hands by virtue of his office, and otherwise faithfully to perform the duties thereof. The said bond shall be filed with the mayor, and may be put in suit, either before or after the expiration of the term of his office by the corporation; or by individuals sustaining injury by his malfeasance or default, while an officer of said corporation.

Sec. 4. The mayor shall have power, when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order. He shall have such criminal jurisdiction within the limits of the corporation as is conferred by law on justices of the peace, charging like fees for his services, and subject, in his judicial acts, to the same revisory powers. He may also impose fines, not exceeding one hundred ($100) dollars, for violation of the ordinances of the city. As chief executive officer, he shall order and control the police of the city, enforce the by-laws and ordinances passed by the board, protect from injury the public streets, buildings, and other property; prevent and punish breaches of the peace, and employ his delegated powers in promoting the peace and good order of the city, and shall appoint a city engineer, subject to the approval of the board.

Sec. 5. The mayor shall, immediately preceding the expiration of his term of office, give ten days' public notice of the election of the officers provided for in this act, and said election shall be held annually; the old officers shall hold over until their successors are elected and qualified. In case of the death or resignation of the mayor, the board of aldermen shall have power to order an election to fill said vacancy; provided, there is six months of said term unexpired, and if less than six months, the board shall elect one of their number to fill said vacancy; and also the mayor shall have power to order an election to fill vacancies in said board, under the same restrictions as to time of six months; provided, however, that the present mayor, aldermen and city marshal shall hold said offices until the next election provided for in this act.

Sec. 6. That no person shall be eligible to any office under the provisions of this charter, who is not a citizen

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of the State, and shall have been a resident within the limits of said corporation at least sixty days prior to his election; nor shall any person have a right to vote for officers, who has not been a resident within said corporate limits at least sixty days next preceding any election and who is not a qualified voter under the Constitution and laws of this State.

Sec. 7. The mayor and aldermen of said corporation shall have power to pass such rules and regulations, ordinances and by-laws, as may be necessary for the regulation of the police of the city, and the preservation of order within the corporate limits. The mayor shall have power, through ordinances and by-laws passed for the purpose, to lay off streets, walks and alleys, designating each by name, and may alter, improve and light the same, and have them kept in good order; also right of way for railroads—the corporation paying for right of way, the amount to be assessed by a jury of twelve (12) citizens of said corporation, acting under oath; may lay off public grounds, and erect or purchase all buildings proper for the city; establish and regulate markets; provide in or near the city, water works and burial places, for the due protection of which, the jurisdiction of the city shall embrace the same; provided [provide] proper safeguards against injury by fire; prohibit, on the written request of the owners of three-fourths of any square, the erection of any but brick, stone or concrete buildings. He shall have power to abate nuisances; prevent, remove or correct whatever endangers the health or comfort of the city or its inhabitants, and shall preserve peace and good order therein.

Sec. 8. The mayor and board of aldermen are hereby empowered to open streets and alleys through private lots, if they deem it necessary, ascertaining the loss and injury to the proprietors, by the verdict of twelve impartial freeholders of the city, and passing the amount so assessed in compensation therefor, and in absolute purchase of the premises thus appropriated. To defray the resulting expenses of the corporation, in its different departments, the board shall have power to impose a tax on all real and personal estate, within the corporate limits, and on all professions, vocations and occupations which are liable to State tax; said corporation tax not to exceed one per cent. on all real, personal, and mixed property

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in said corporation, and occupation tax not to exceed the State tax.

Sec. 9. The board of aldermen shall have power within the city, by ordinance, to issue the bonds of said corporation for the purpose of internal improvements in said city, to the amount not to exceed ten per cent. upon all the real and personal property in said corporation. To annually levy and collect a tax of sufficient amount on all taxable real and personal estate, when required, to pay any debt that may have been contracted for money borrowed during the preceding year; to provide for the expenses incurred in making any public improvement, caused by any casualty or accident happening after the making of the annual appropriation for such year, or to pay any judgment that may have been recovered against the city, and paid during such previous year. To annually levy and collect a tax of sufficient amount, on all taxable real and personal estate, to meet the interest accruing on the general bonded debt of said city, and to provide a sinking fund not to exceed two per cent. It is hereby made the duty of the mayor, with the approval of the board of aldermen, to purchase the bonds of said city, when they can be purchased on satisfactory terms.

Sec. 10. The board may allow and pay to the mayor an annual salary, which, with his fees, shall constitute the compensation for his official duties. They shall also fix and pay a proper compensation, by salary or otherwise, to all of the officers hereinbefore specifically named, except themselves, and also to such others as, under their general powers, they may see fit to appoint. The compensation of the aldermen shall be five dollars per day for each day the board may be in session for each regular session, and fifty cents for each called session; and for a failure to attend any regular or called meeting of the board, may be fined in a sum not less than two nor more than five dollars, at the discretion of a majority of said board.

Sec. 11. That the mayor, with a majority of the board, shall constitute a quorum for the transaction of business; and they shall have power to prescribe penalties for the violation of the ordinances of the corporation; provided, that they shall, in no case, prescribe penalties to exceed one hundred dollars, or imprisonment for more than twenty-four hours, which imprisonment shall not be

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by way of penalty or punishment, but only to coerce payment of fine and costs.

Sec. 12. That said corporation shall provide a seal for said city, to authenticate documents of said corporation.

Sec. 13. That this act shall take effect and be in force from and after its passage.

Approved March 4th, 1873.

CHAPTER XV.

An Act to authorize the Levy and Collection of a Special Tax in Gonzales County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Gonzales county be, and is hereby, authorized to levy and have collected a special ad valorem tax of one-fourth of one per cent. on the taxable property, real, personal and mixed, within said county, to be used as a special fund for the repair of the court house and jail of said county. Said tax shall be levied and collected for the year 1873 only, and the fund thus raised shall be used for no other purpose than that specified in this act. It shall be levied and collected as other taxes, and the same commissions allowed as are allowed by the laws of the State in other cases.

Sec. 2. That this act shall take effect from and after its passage.

Approved March 6th, 1873.

CHAPTER XVI.

An Act granting a Charter to Hugh P. Clark to create, and keep, and run a Ferry Boat, at or near the northeast corner of the Hugh Neal survey, on Sabine River, in Van Zandt County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Hugh P. Clark, of the county of Van Zandt, is hereby authorized to keep and run a ferry boat at or near the northeast corner of the Hugh Neal

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survey, on the route from Canton, in Van Zandt county, to the town of Emory, in Rain[e]s county.

Sec. 2. That the said Hugh P. Clark shall be subject to the general laws of the State of Texas, governing the establishment of ferries.

Sec. 3. That there shall not be established any other public ferry or bridge, for the purpose of collecting tolls, within three miles above or below said ferry, on due line by the general course of said river, after said ferry boat shall be in running order; and the said H. P. Clark shall establish and have a good and substantial ferry boat completed and in running order within six months from the passage of this act, and shall be ready, at all times, to carry passengers and property of all descriptions, and shall be responsible as common carriers for the same, except at such stages of the water in said Sabine river as in the opinion of the ferryman in charge, it would be hazardous to cross the said river; and in such event he shall not be compelled to cross or run his ferry boat.

Sec. 4. That the said Hugh P. Clark, his agent or attorney, shall be authorized and entitled to demand, collect and receive the following tolls, to-wit: For a wagon, or any other vehicle drawn by four horses, mules or oxen, fifty cents, and ten cents for each pair of horses, mules or oxen in said team over the first number named. For each two-horse wagon, or vehicle drawn by two horses or other animals, the sum of thirty-five cents. For a one-horse buggy or cart, the sum of twenty-five cents. For each man and horse, the sum of ten cents. For each footman, the sum of five cents. For each loose horse, mule, jack, jennet or cow, the sum of five cents; animals in drove or herd, of the stock kind, the sum of three cents each. For hogs, sheep or goats, the sum of two cents each per head. Any other species of stock or property crossed at this ferry, and not mentioned above, a ferriage fee in proportion as above, and in time of high water four-fold the above tolls will be allowed; it being considered high water when the water is above either bank of the river, by the usual ferry route.

Sec. 5. That any person wilfully damaging said ferry boat, its tackle, paraphernalia, or anything appertaining to the said boat, its landings, banks or crossways, shall be fined in double the amount of the damages proven, upon conviction, the amount to be recoverable before any court

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of competent jurisdiction; the sum to be due and payable to the party injured, and the said fine and costs to be collected as other fines are.

Sec. 6. This charter shall be in force for the period of ten years from its passage; provided, said ferry shall be kept in good repair, and the banks in good condition to serve and answer for public use; otherwise, this charter to be null and void.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 6th, 1873.

CHAPTER XVII.

An Act to amend and consolidate the several Acts incorporating the Town of Gonzales.

Section 1. Be it enacted by the Legislature of the State of Texas, That the corporation now existing and known as the "Town of Gonzales," in Gonzales county, shall continue to be a body corporate in fact, under the name and style of "The City of Gonzales;" and by that name shall have succession, and power to sue and be sued, to plead and be impleaded, to acquire and dispose of real or personal property, and may have and use a common seal to authenticate its acts; and shall have and exercise all the rights, privileges and powers heretofore granted to said town of Gonzales, except such as are modified or repealed by this act, and such other powers and jurisdiction as is conferred by this act.

Sec. 2. That the limits of said corporation shall extend to and include the tract of land known as the town tract of the town of Gonzales, and shall also include all that territory lying between the south line of the town tract and the Guadaloupe river, and west of Kerr's creek.

Sec. 3. That the jurisdiction of said corporation shall extend to and include the limits defined in section two of this act.

Sec. 4. The officers of said corporation shall be, one mayor, four aldermen, one treasurer, one marshal, and such other police and subordinate officers as the common council may appoint.

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Sec. 5. The mayor and aldermen shall constitute the common council of said corporation, and, when in session, may appoint and remove, at their pleasure, such subordinate officers as may be needed from time to time, to secure the peace and quiet of said city, and an efficient administration of the ordinances adopted by the common council.

Sec. 6. The mayor and aldermen shall be elected annually by the qualified voters residing within the limits of said corporation, and shall hold their respective offices until the next election provided for in this act, and until their successors are elected and qualified. The treasurer and marshal shall be appointed by the common council, and shall hold their offices at the pleasure of the common council.

Sec. 7. Every person residing within the limits of said corporation, who is by law authorized to vote for members of the Legislature, shall be a qualified elector in all elections held in said corporation, and shall be eligible to any office provided for in this act.

Sec. 8. An election for mayor and aldermen shall be held on the first Monday in January of each year, at such place or places as may be appointed by the common council, by three judges, who shall be appointed by the common council; and said judges shall qualify and conduct said election in the manner provided by law for conducting elections for county officers; and they shall make return of said election to the common council within five days thereafter. Ten days notice of any election for mayor and aldermen shall be given by publication in at least one newspaper published in said corporation, or by posting notices at four public places therein; provided, however, that the present mayor and aldermen shall hold said offices until the next election provided for in this act.

Sec. 9. The mayor and aldermen shall each, within ten days after being notified of his election, qualify, by taking and subscribing the oath of office prescribed by the Constitution and laws of this State for county officers; and upon failure so to do, the office of each one so failing to qualify shall be declared vacant.

Sec. 10. In case of vacancy in the the office of alderman, the mayor shall order an election to fill such vacancy; said election to be held in the manner provided for in section eight of this act. And in case of vacancy in the

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office of mayor, the aldermen shall elect one of their own number as mayor, who shall hold the office of mayor until the next election provided for in this act. In case of temporary absence or sickness of the mayor, the aldermen shall elect one of their number mayor pro tempore.

Sec. 11. That the mayor and two aldermen, or any three aldermen, in the absence of the mayor, shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time, and may adopt measures to compel the attendance of absent members of the council, and may fine such absentees in any sum not to exceed twenty-five dollars.

Sec. 12. The form of all ordinances shall be as follows: "Be it ordained by the common council of the city of Gonzales."

Sec. 13. No ordinance shall take effect or be in force until the same has been published for one week in a newspaper published within the corporate limits of said city, or by posting such ordinance, for the time above specified, at the court house and at the mayor's office in said city; provided, that sanitary ordinances, when their speedy enforcement is deemed necessary by the common council, may be made to take effect the day after they are published or posted as aforesaid.

Sec. 14. The common council shall have power, by ordinance, to appoint subordinate officers, and require bond and security for the faithful performance of their duties; to prescribe the duties to be performed by the treasurer and marshal, respectively, and to enforce their performance in such manner as the said council may deem proper, not inconsistent with the laws of this State; to pay the salaries and fees of all officers entitled to the same by the ordinances of the common council; to levy a poll tax, not to exceed one dollar per poll, upon all persons who, by the laws of the State, are liable to a poll tax, and who reside within the corporate limits of said city; to levy an ad valorem tax upon all real and personal property situate and being in the limits of said corporation, not to exceed one per cent. upon the assessed value of such property; to assess and collect such taxes as may be levied by them through their own officers, and in the manner prescribed by the ordinances of said council, when not in conflict with the Constitution and laws of the State; to license merchants and traders in goods, wares

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and merchandise, occupations and professions; to license wholesale and retail liquor dealers, grocers, apothecaries, inn keepers, boarding houses, brokers, bankers, dealers in exchange, commission merchants, breweries, bakers, and beer saloons, restaurants and eating houses, carts, drays, wagons, omnibuses, carriages, livery stables, hawkers, peddlers, showmen, theatres, circuses, concerts, beer gardens, auctioneers and vendors of goods by sample; and to collect such license tax, in the mode prescribed by their own ordinances, and through their own officers, when not inconsistent with the Constitution and laws of the State; to regulate the use of the streets, alleys, highways, roads, squares and public places, by footmen, horsemen, vehicles, railways and locomotives; to regulate the use of the sidewalks; to prevent encroachments upon and obstructions to the streets, sidewalks, highways and public places in said corporation; to regulate, open and extend the streets and alleys to the corporate limits of said city; to regulate the laying of gas and water pipes, and the fixing of gas lights; to regulate and prevent the throwing of ashes, filth and offal, dirt or garbage, on the streets or sidewalks; to regulate and prevent animals from running at large, or being ridden, driven or led through said city; to regulate the grading, cleaning and construction of streets, alleys, gutters, sidewalks and ditches; to regulate the erection, use and continuance of slaughter houses; to regulate, define and control the rights, duties and privileges of the city police, in respect to other officers of the peace, and other persons, and in maintaining peace, good order and preserving and protecting the rights of persons and property; to make and enforce ordinances against street-walkers, beggars, mendicants and vagrants; to regulate and control the use of fire-arms, fire-crackers, torpedoes, nigger-shooters, &c.; to regulate and control the storage of gunpowder and other explosive substances; to punish and prevent quarreling, fighting, and the use of obscene, vulgar and profane language in the streets and public places, or places of amusement; to regulate and control the business of bone boiling or grinding, meat packing, soap making, or other occupations injurious to health or comfort, and the removal, keeping and deposit of manure, filth, garbage or offal; to prevent indecent exposures of the person, or the exhibition of obscene prints and pictures; to pass and

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enforce ordinances against disorderly houses, assignation houses, bawdy houses, gaming houses, and for the arrest of their inmates and frequenters; for the construction of market houses and markets, and to regulate and control the use of the same; for the prevention and extinguishment of fires, and the formation of a fire department, its regulation and maintenance; to assess and collect taxes on the owners and occupants of lots, for the grading, filling up and repairing the sidewalks and streets adjacent to such lots, and to make such assessment a lien on such lot, and enforce payment of the same; to affix penalties for violations of any ordinance, and to prescribe the manner of collecting or enforcing the same; to provide for the inspection, weighing or measuring of any fire-wood, hay, cotton, corn, potatoes, lumber, coal, or other articles of trafic, and to enforce the keeping of correct weights and measures by vendors; to prescribe the rules of proceeding in their own body when in session; to make and enforce ordinances for the preservation of public order and for keeping the peace; to prescribe the manner of proceeding in contested elections for city officers; to employ legal council to advise the common council, and to prosecute criminal cases, and to institute suits for or defend suits against said city; to employ a city surveyor and adequate police force and night watchmen; to punish offenders by imprisonment for a time not to exceed sixty days; to sell or dispose of any real or personal property belonging to said city; to use the funds of said city in aiding railroads coming to said city; to build bridges over streams adjacent to said city, for the use of the public; to erect market houses, a city hall, and houses of correction, hospitals, and such other public buildings as may be necessary or useful to the inhabitants of said city, and to regulate and control the same; and to issue city bonds in aid of railroads or other works of internal improvement, when authorized thereto by a vote of the legal voters in said city, taken in the manner that is now or may hereafter be prescribed by law. Said council shall divide the territory, included in the boundaries named in section two, into two divisions, to be known as the "inner" and "outer town"; and no ordinance of said council shall take effect or be in force in what is laid off and designated as the "outer town," except when such ordinance specially provides that it shall be enforced in the "outer town."

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Sec. 15. The proceedings of the common council shall be recorded in proper order in books kept for that purpose, and shall be open to the public.

Sec. 16. The mayor shall have power to hear and determine all cases arising out of a violation of the ordinances of the common council, and the same jurisdiction as a justice of the peace to hear and determine all cases arising out of a violation of the penal laws of the State, committed within said corporate limits.

Sec. 17. In cases of a breach of the peace, or violation of a penal law of the State, the mayor shall have power to execute the judgments of his courts in the manner provided by law for the execution of the judgments of a justice of the peace; and for violations of ordinances of the common council, he shall execute his judgments in the manner prescribed by the ordinance.

Sec. 18. The mayor, on complaint made before him under oath, shall have power to issue writs of arrest and warrants for violation of any penal ordinance of the common council, and for violations of the penal laws of the State; and shall have power to issue all process necessary to compel the attendance of witnesses, jurors and defendants. Arrests may be made, without warrant or written process, by the mayor, a member of the city council, the city marshal, or any policeman, when an offense is committed in their presence, or when necessary to prevent an escape.

Sec. 19. The payment of all fines and costs imposed by the mayor may be enforced by placing the offender at work upon the streets, squares, or the public works of the city; and all expenses incurred in the safe keeping of offenders shall be considered a part of the costs.

Sec. 20. The mayor shall keep a record of all his proceedings, and transmit the same to the council at the expiration of his term of office; and shall report monthly to the council all fines, forfeitures, etc., adjudged by him, and names of parties violating laws or ordinances, and the amount expended in the arrest and safe keeping of prisoners.

Sec. 21. The mayor shall, at all times, see that the ordinances of the common council are executed, and that all subordinate officers perform their duties, and shall report to the common council any [any][1] delinquencies, or

[1]Mistake in enrolled bill.

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misconduct upon the part of such officers. He shall, also, from time to time, recommend to the common council the adoption of such measures as he may deem important.

Sec. 22. The mayor shall receive such fees as are now or may be prescribed by law for justices of the peace for similar services.

Sec. 23. The city marshal and policemen shall receive such salary as may be allowed them by the common council, and also such fees as are or may be allowed by law to sheriffs and constables for similar services.

Sec. 24. The fees of the mayor, city marshal and policemen shall, in all cases of conviction, be taxed as costs against the defendant.

Sec. 25. The city council shall, by ordinance, establish the time and place of its regular meetings, and may meet at any other time and place, upon call of the mayor, or any two aldermen.

Sec. 26. The common council, when in session, may punish, for contempt of its proceedings, by fine not to exceed five dollars, or by imprisonment not to exceed twenty-four hours. At each meeting its doors shall be open, and the citizens residing in the limits of said corporation shall have free access to all its deliberations.

Sec. 27. That any party to any suit or proceeding before the mayor shall have the right to an appeal to the District Court from any final judgment rendered by him, under the rules and regulations governing appeals from judgments of a justice of the peace.

Sec. 28. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved March 6th, 1873.

CHAPTER XVIII.

An Act to authorize Isaac Franklin to erect a Pontoon Bridge over the San Antonio River, in the County of Goliad, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Isaac Franklin be, and he is hereby

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authorized and empowered to erect a pontoon bridge over the San Antonio River in the county of Goliad, where the public road from the town of Goliad to the town of Refugio crosses the same. And that he be authorized and empowered to charge, receive and collect toll for crossing on said pontoon bridge, at the following rates in specie, to-wit: For every footman, five cents; for every vehicle and two animals, forty cents. For each additional animal thereto, five cents. For every horse and buggy, twenty-five cents. For every man and horse, ten cents. Loose horses and cattle, per head, five cents. Hogs, sheep and goats, per head, two cents. The above rates to be doubled on twelve feet rise in said river.

Sec. 2. That the right and privilege herein granted shall inure to the benefit of the said Isaac Franklin, his heirs and assigns, for twenty years; provided, however, that in order to secure the privileges conferred in this bill, he shall, within six months from the passage of this act, erect and construct a good, safe and substantial pontoon bridge over the said San Antonio river, at the crossing aforesaid, and shall keep the same in good repair; and in event of any accident or casualty destroying said pontoon bridge, the said Isaac Franklin shall reconstruct the same in two months from the date of such accident or casualty, otherwise the franchise herein granted shall abate.

Sec. 3. That no bridge or ferry shall be permitted or allowed to collect toll, or be vested with the right so to do, for four miles above and below said Refugio crossing, on said San Antonio river; provided, said bridge shall be subject to the general laws of the State regulating bridges and ferries, which are or may hereafter be enacted.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Passed March 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the eighth day of March, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER XIX.

An Act to Incorporate of the City of Denison.

Article I.—General Provisions.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants of the city or town of Denison, Grayson county, are hereby constituted a body politic and corporate, under the name or style of the city of Denison; and shall have power to sue and be sued; to purchase and hold real and personal property for the use of the city, and land for taxes; to sell and convey any real or personal estate owned by the city, and make such order respecting the same as may be necessary, and considered to the best interest of the city; to make all contracts, and do all other necessary acts or deeds in relation to the property and concerns of the city necessary to the exercise of its corporate or administrative powers.

Sec. 2. That the bounds and limits of said city, within which said corporation shall have jurisdiction, shall include the land lying within the following boundaries, to-wit: Beginning at the northwest corner of Wm. R. Caruther's headright survey of one thousand acres, shown on photographed map of Grayson county as second class, No. 59, said survey being situated about three miles south from Red River, in Grayson county, Texas; running thence south one mile and three-fourths (1¾); thence east two miles; thence north one mile and three-fourths (1¾); thence west two miles to the place of beginning, including all territory within said boundary.

Sec. 3. All the powers herein granted shall be exercised by the mayor and city council, as hereinafter set forth.

Sec. 4. The said city of Denison shall be divided into four wards; the boundaries thereof shall be fixed by the city council, and may be changed, from time to time, as may be deemed expedient, having due regard for the number of inhabitants, so that each ward shall contain as near as possible an equal number of qualified electors for city elections. The wards may be created by the city council as fast as may be deemed necessary or expedient,

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or for the better management of the affairs of said city; provided, however, that such increase of wards shall not enlarge the number of councilmen to more than twelve.

Sec. 5. Until the election for city officers hereinafter provided for, the following named persons shall fill and perform the duties provided for in this act: Lewis S. Owings, mayor; Charles E. Maurice, recorder; J. M. Stratton, F. P. Baker, W. H. Day and B. C. Murr[a]y, aldermen.

Sec. 6. That the election for city officers under this charter shall be had on the second Monday in June, A. D. 1873, and every two years thereafter shall be the time of the regular charter elections, except as herein provided with regard to the election of city councilmen. At such election a mayor shall be voted for, whose term of office will be two years; also, one councilman for each ward. The four councilmen elected shall determine the length of their respective terms by drawing from four ballots, two of which shall be marked "long term" and two marked "short term," and those drawing the former shall serve for two years, and those drawing the latter shall serve for one year. On the second Monday in December, A. D. 1874, two councilmen will be elected for the term of two years, to replace the two whose term of office will be expired, and each succeeding year an election will be held to replace the two outgoing councilmen.

Sec. 7. The mode of conducting such charter elections, the place of holding polls and other necessary details for properly holding same, and the pay of the officers conducting same, shall be prescribed by ordinance of said city council; provided, that nothing in this act shall contravene any general law of this State regulating elections.

Sec. 8. The mayor, or in his absence the recorder, shall give notice of such elections at least ten days prior to the holding of the same, which notice shall be published in some paper published in said city of Denison.

Sec. 9. At all such elections the voters shall vote by ballots, and only in the wards where they respectively reside, and the polls to receive same shall be open from eight o'clock A. M. to five o'clock P. M. on the day of election.

Sec. 10. At the first meeting of the city council after the passage of this act, and at the first meeting of the

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new council succeeding each election, they shall proceed to elect one city clerk, a city attorney, a city surveyor or engineer, a street commissioner, and such police officers or other officers as they may deem necessary for the proper administration of the city government, and for the interests of the city, and may be created by ordinance of the city; and shall provide for the dismissal of officers so appointed, for malfeasance, or incompetency, or other cause, and shall fill vacancies as they may occur in the above named offices, or any city offices.

Sec. 11. The mayor shall cause all places where intoxicating liquors are sold or given away to be closed during the day of election, until the polls are closed; and any person refusing to close such establishment, house or brothel, shall be arrested and kept in confinement until the day following the election, when he or she shall be tried, and if found guilty, shall be fined in a sum not less than ten dollars, nor more than one hundred dollars; and upon refusal to pay the fine and costs shall be imprisoned in the city prison for a period not exceeding twenty days; and any police officer is authorized to seize any liquor offered for sale, or to be given away, upon any open or public place or highway; and the person so offending shall be subject to the penalty herein provided.

Sec. 12. The judges of election shall proceed, immediately upon the closing of the polls, to count the votes, and such counting shall be conducted openly and in the presence of the judges of election and the clerks, and they shall make the return to the returning officers.

Sec. 13. The mayor and the recorder shall be the returning officers of election; and in the failure of either of such officers to serve, any one of the councilmen may act in their place, who shall proceed to open the returns of the elections, and to count the same.

Sec. 14. The returning officers shall publish the result of the election in the official journal of the city, and send official notice to persons elected, on the day following the counting of the returns; and such officers elected shall appear within ten days after receiving such notification of election, before the judge of the police court, and in case there is no police judge, before some officer empowered to administer oaths, and take the oath of office prescribed in section one, article twelve, of the Con-

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stitution of the State. In case any officer elected fails to take the oath within the time prescribed, his office shall be vacant.

Sec. 15. When two or more persons shall have received an equal number of votes for the office of mayor or councilman, a new election shall be ordered and held in the manner prescribed in this charter.

Sec. 16. The mayor shall hold his office for the term of two years, and until his successor is duly elected and qualified.

Sec. 17. The city council shall consist of two citizens elected from each ward, to hold their offices for two years, and until their successors are qualified; provided, the number of councilmen shall not exceed twelve.

Sec. 18. No person shall be mayor or councilman who, at the time of his election, is not a citizen of Texas, and a resident within the city limits at least six months preceding his election.

Sec. 19. If the mayoralty should become vacant by death, resignation, or removal of the incumbent, a majority of the city council may elect one of their number mayor for the time being, to fill the vacancy until his successor is elected and qualified. Should such vacancy occur more than nine months prior to the first regular election, then, in that case, the presiding judge of the Police Court of the county is hereby required to issue a proclamation for a new election forthwith, to be holden in the same manner as regular city elections. The person elected to act as mayor for the time being, shall receive the same compensation to which the mayor would have been entitled.

Sec. 20. The mayor may be removed from office for malfeasance in office by the unanimous vote of all the city council.

Sec. 21. In case of vacancy in the office of city councilman, in any ward of the city, such vacancy shall be filled by a vote of the city council; provided, such vacancy occurs within nine months of an election; otherwise the mayor shall order an election in the ward to fill such vacancy.

Sec. 22. The mayor shall appoint the marshals or police officers by and with the advice and consent of the council; such officers holding their positions at the pleasure of the mayor and city council, and subject to immo-

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diate dismissal by the mayor for neglect of duty or incompetency.

Article II.—Powers of the Mayor and Council.

Sec. 23. The mayor and city councilmen shall constitute the city council of said city. The city council shall meet at such times and places as they may by ordinance direct. The mayor, when present, shall preside at all the meetings of the city council, and in case of a tie shall have the casting vote. In his absence, any one of the councilmen may be elected to preside, in which case the councilman so presiding shall vote as councilman.

Sec. 24. The city council shall hold regular meetings at stated times, at least once in each month; and the mayor, of his own motive, or on application of two members of the council, may call special meetings.

Sec. 25. Petitions and remonstrances may be presented to the council in writing only, and the council shall determine the rules of its own proceedings, and have power to compel the attendance of absent members, and with the concurrence of two-thirds of the members elected may expel a member.

Sec. 26. The city council shall have the care, management and control of the city, and its property and finances; and shall have power to enact and ordain all and any ordinances not repugnant to the Constitution and laws of this State, and such ordinances to alter, modify or repeal; and shall have power by ordinance,

Sec. 27. To borrow money on the credit of the city, and issue bonds therefor, to an amount not to exceed fifty thousand dollars. To make a loan exceeding fifty thousand dollars, the question must be submitted to the qualified voters of the city, and if sustained by a majority of the votes polled, such loan shall be lawful. All bonds shall specify for what purpose they were issued, and not be invalid if sold for less than their par value. And when any bonds are issued by the city, a fund shall be provided to pay the interest and two per cent. per annum on the principal, as a sinking fund, to redeem the bonds, which fund shall not be diverted or drawn for any other purpose. And, for the purpose of creating and keeping said sinking fund, to levy a special tax, over and above the general tax allowed by law; and also to levy a

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special tax to pay and discharge the amount due on said bonds over and above the amount of the sinking fund on hand at the maturity of said bonds; provided, however, that no bonds shall be issued for any purpose whatever, bearing a greater rate of interest than ten per cent. per annum. The sinking fund for the redemption of any loan or debt shall be invested, as rapidly as the same accumulates, in interest bearing bonds of the United States, the State of Texas, or in city bonds; and the interest of such bonds to be re-invested; and such bonds may be sold as rapidly, and in such sums as may be necessary to pay off any of the debts secured by said sinking fund.

Sec. 28. To issue bonds in aid of any corporation or enterprise, either manufacturing, railroad or for other purposes, calculated to advance the interests of the said city, and to borrow money for that purpose, and to take stock therein, or in any of them; provided, however, that in all cases arising under this section, a proposition of the proposed enterprise and the amount of aid asked, together with the proposed agreement on the part of the applicant, to be signed and delivered, shall be published in the body of a proclamation issued by the mayor, calling an election to pass upon the voting of such aid. Such publication shall be made in the official paper of said city at least three weeks previous to the election; and no such aid shall be granted, or bonds issued, unless a majority of the qualified voters at such election shall vote in favor of the issuance of said bonds. In case of such affirmative vote, then the bonds voted shall be issued by the mayor and council, as hereinafter provided for.

Sec. 29. To provide, by ordinance, special funds for special purposes, and to make the same disbursable only for the purpose for which the fund was created.

Sec. 30. To appropriate money, and to provide for the payment of the debts and expenses of the city.

Sec. 31. To provide the city with water; to make, regulate and establish public wells, pumps, cisterns, fountains, hydrants, reservoirs in the streets, or elsewhere within the city, or beyond the limit thereof, for the extinguishment of fires and the convenience of the inhabitants; and to make, establish and regulate all irrigating ditches, and have entire control of same.

Sec. 32. To fill up old ditches, wells, pools, or other places where stagnant water or foul matter may accumu-

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late to the detriment of the health and convenience of the citizens.

Sec. 33. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce the same within five miles of the city.

Sec. 34. To make regulations to secure the general health of the city, and prevent and remove nuisances, and to make and prescribe regulations for the cleaning and keeping in order all slaughter houses, stockyards, warehouses, stables, privies, or other places where offensive matter is kept, or is liable to accumulate.

Sec. 35. To establish, regulate and support night-watch and police, and define the duties thereof.

Sec. 36. To provide for the lighting of the streets and the erection of lamp posts; to exclusively regulate, direct and control the laying and repairing the gas pipes and the gas fixtures in the streets, alleys, sidewalks and elsewhere.

Sec. 37. To erect and establish market houses and market places, and to regulate and govern the same, and to provide for the erection of all other useful and necessary buildings for the use of the city; and for the protection and safety of all property belonging to the city; and to provide for safety and protection of private property where damages are likely to occur by the action of the elements.

Sec. 38. To provide for the removal of officers of the city for misconduct, and to create any office, or employ any agent they may deem necessary for the good government and interest of the city.

Sec. 39. To regulate the police of the city, and to impose fines for the breach of any ordinances, and provide for the recovery and collection thereof; and in default of payment, to provide for the confinement in the city prison or workhouse, or to hard labor in the city.

Sec. 40. To regulate and prescribe the duties and powers, and compensation of all officers, agents and employes of the city, not herein provided for.

Sec. 41. To require of all officers or agents of the city, elected or appointed in pursuance of this act, bonds and security for the faithful performance of their duties.

Sec. 42. To have the exclusive control and power over the streets, alleys, sidewalks, lanes, avenues and

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public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, straighten, extend, establish, abolish, regulate, grade, re-grade, clean, pave, me[a]cadamize or otherwise improve the same; to put drains or sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from any encroachments or injury.

Sec. 43. To regulate the making of sidewalks, their grade, material and mode of construction, when such walks are made by private persons.

Sec. 44. To establish, erect, construct, regulate and keep in repair, bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of same; and to abate and punish any obstructions or encroachments therein; and the cost of the construction of sidewalks shall be defrayed by the owners of the lot or part of lot, or block, fronting on the sidewalk; and the cost of any sidewalk constructed by the city shall be collected, if necessary, by sale of the lot or part of lot, or block, on which it fronts, together with the cost of collection, in such manner as the city council may by ordinance provide; and the sale of any lot, or part of lot, or block, to enforce collection of cost of sidewalks, shall convey a good title to the purchaser, and the balance of the proceeds of sale, after paying the amount due the city and cost of sale, shall be paid by the city to the owner.

Sec. 45. To prevent any person from bringing, depositing, or having within the limits of said city, any dead carcass, or other offensive or unwholesome substance or matter, and to require the removal or destruction, by any person who shall have placed or caused to be placed upon or near his premises, or elsewhere, any such substance, or matter, or filth, or any putrid or unsound beef, pork, fish, hides or skins of any kind, fruits or vegetables, and in default, to authorize the removal or destruction thereof by some officer of the city, and to require the owner of any dead animal to remove the same to such place as may be designated.

Sec. 46. To make such rules and regulations, in relation to butchers, as they may deem necessary and proper.

Sec. 47. To provide for the enclosing, regulating and improvement of all public grounds and cemeteries belonging to the city, and to direct and regulate the planting

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and preserving of ornamental and shade trees in the streets, sidewalks and public grounds.

Sec. 48. To erect, establish and regulate one or more work houses, houses of correction, and poor houses, and provide for the government and support of the same; and to regulate or prohibit the establishment of private hospitals.

Sec. 49. To prevent, regulate and control the driving of cattle, horses, and all other animals, into or through the city.

Sec. 50. To prevent the carrying of deadly weapons within the city limits.

Sec. 51. To prevent the encumbering of the streets, alleys, sidewalks and public grounds, with carriages, wagons, carts, hacks, buggies, or any vehicle whatever, boxes, lumber, timber, fire-wood, posts, awnings, signs, or any other substance or material whatever, or in any manner whatever; to compel all persons to keep all weeds, filth, or any kind of rubbish, from the sidewalks, streets and gutters in front of the premises occupied by them; to require and compel the owners to fill up, grade and otherwise improve the sidewalks in front of and adjoining their property; also, to compel owners of property, through which any water ditch or dam runs, to wall up the same.

Sec. 52. To inspect the construction of buildings, and to cause unsafe buildings to be made safe or to be removed, and to prohibit the use of certain materials deemed unsafe; and to require of every person wishing to erect a building in the city to take out a permit for the same; and to keep a register of all buildings, both private and public, erected, of the kind of material used, and the object of such buildings.

Sec. 53. To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city, except by persons duly licensed; to forbid and punish the selling of liquors to any minor or habitual drunkard.

Sec. 54. To provide for and cause to be taken, an enumeration of the inhabitants of the city.

Sec. 55. To license, tax and regulate billiard tables, pin alleys, ball alleys, disorderly houses, tippling shops, bar rooms, dram shops, or other places wherein liquor is sold or dispensed, bawdy houses, houses of prostitution

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or assignation, gambling and gaming houses, lotteries, and all fraudulent devices and practices, and all kinds of indecencies, and to suppress and restrain the same.

Sec. 56. To license, tax, and regulate hackmen, draymen, omnibus drivers, and drivers of baggage wagons, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation and provide for their protection, and make it a misdemeanor for any person to attempt or [to] defraud them of any legal charge for services rendered; and to regulate, license and restrain runners for railroads, stages and public houses.

Sec. 57. To license, tax and regulate, suppress and prohibit theatres, circuses, the exhibition of common showmen, and shows of every kind, and exhibition[s] of natural and artificial curiosities, caravans, menageries and musical exhibition[s] and performances.

Sec. 58. To license, tax and regulate, suppress, and prohibit hawkers, peddlers, pawn brokers, and keepers of theatrical or other exhibitions, shows and amusements.

Sec. 59. To license, tax and regulate merchants, commission merchants, hotel and boarding house keepers, restaurants, drinking houses, or saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold; brokers, pawnbrokers, money brokers, real estate agents, insurance brokers, and insurance agents, and auctioneers, and all other trades, professions, occupations and callings, the taxing of which is not prohibited by the Constitution of the State, which tax shall not be construed to be a tax on property.

Sec. 60. To license, tax, regulate and suppress public balls, dances, and all other places of resort and public amusement.

Sec. 61. To suppress gaming, and gambling of all kinds and descriptions, and to prevent the same, by forcibly entering houses used for gaming, and to arrest all persons and punish all parties engaged in gaming, or any person renting a house for the same, by fine or imprisonment, and to place a police force at the entrance, and arrest all persons attempting to enter there, until the police have had full admittance to the premises.

Sec. 62. To establish standard weights and measures to be used within the city, in all cases not otherwise provided by law. To require all traders and dealers in mer-

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chandise, or property of any kind which is sold by weight or measures, to cause their weights or measures to be tested and sealed by the city sealer, and be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law.

Sec. 63. To regulate and provide for the inspection and measuring of lumbers, shingles, timber, posts and all kinds of building materials, and for measuring all kinds of mechanical work, and to appoint one or more inspectors and measurers thereof; exclusively to provide for the measuring of wood and weighing of hay, and the manner and place of selling the same.

Sec. 64. To prevent and suppress any riot, affray, noise, disturbance, or disorderly assembly in any public or private place in the city.

Sec. 65. To prevent any immoderate driving or running of horses or other animals in the streets; to punish the driver of animal[s]; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

Sec. 66. To restrain and punish vagrants, mendicants, street beggars and prostitutes, such punishment to be by fine, imprisonment or hard labor.

Sec. 67. To prevent the erection of all factories or establishments on the banks of streams or ditches, which will befoul or make impure their waters.

Sec. 68. To regulate the weight and quality of bread to be sold and used in the city, and generally everything relating to bakers, butchers, tavern keepers, restaurants, fruit venders, eating houses and bar rooms, except the price of the article vended.

Sec. 69. To establish and regulate public pounds, and to regulate the running at large of horses, mules, cattle and sheep; to regulate, restrain and prohibit the running at large of swine or other animals, and to authorize the distraining, impounding and sale of the same, for the costs of proceeding and the penalty incurred, and to impose penalties on the owners thereof for the violation of any ordinance in relation thereto.

Sec. 70. To tax, regulate and restrain, and prohibit, the running at large of dogs, and to authorize the distraining, impounding and the destruction of the same, and to impose penalties on the owners and keepers thereof.

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Sec. 71. To prohibit and restrain the rolling of hoops and flying of kites, firing of fire-crackers, or firing of firearms or fire-works, use of velocipedes, or use of any pyrotechnic, or any other amusement or practice tending to annoy persons passing in the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowof horns or bugles, playing of street organs or other street music, crying of goods, and all other noises, practices or performances tending to the collection of persons on the streets and sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.

Sec. 72. To abate all nuisances which may impair or affect the public health or comfort, in any manner they may deem expedient, not inconsistent with the laws and Constitution of the State.

Sec. 73. To do all acts, and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Sec. 74. To compel the owner or occupant of any grocery, soap, tallow, or chandler establishment, any blacksmith's shop, tannery, stable, slaughter house, distillery, brewery, sewer, privy, or other unwholesome or nauseous house or place, to cleanse, remove and abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

Sec. 75. To direct the location and regulate the management and construction of breweries, tanneries, blacksmith's shops, founderies, livery stables and manufacturing establishments; to direct the location and regulate the construction and management of, and restrain, abate and prohibit within the city, slaughtering establishments and hide houses, or establishments for keeping or curing hides, tallow, offal, and such other substances as may be rendered, and all other establishments or places where nauseous, offensive or unwholesome business may be carried on.

Sec. 76. To regulate the burial of the dead; to purchase, establish and regulate one or more cemeteries; to regulate the registration of deaths; to direct the returning and keeping of bill[s] of mortality, and impose penalties on physicians, sextons and others, for any default in the premises.

Sec. 77. To abate and remove nuisances, and punish

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the authors thereof by penalties, fines and imprisonments, and to define and declare what shall be the nuisances, and authorize and direct summary abatement thereof.

Sec. 78. To prevent all boxing matches, sporting exhibitions, cock and dog fighting, bull fighting, and all brutal exhibitions, and punish all persons thus offending.

Sec. 79. To prevent all trespasses, breaches of the peace and good order, assaults, assaults and batteries, fighting, quarreling, using abusive and insulting language, misdemeanors, and all disorderly conduct, and punish all persons thus offending.

Sec. 80. To prevent and punish the keeping of houses of prostitution within the city, or within such limits therein as may be defined by ordinances, and to adopt summary measures for the removal, or suppression, or regulation and inspection of all such establishments.

Sec. 81. To direct and control the laying and construction of railroad tracks, turnouts and switches within the limits of said city, and to regulate the speed of locomotive engines within said city.

Sec. 82. Exclusively to prevent, control and regulate everything connected with city railroads, and to make such rules and regulations for the same as the city council may deem necessary.

Sec. 83. To require the owner, agent or occupant of any ground, lots, yards, private drains, sinks and privies to fill up, cleanse, alter, repair, fix and improve the same as may be ordered by the mayor or any resolution or ordinance of said city; and in the event of any failure, neglect or refusal to comply with such order, the party so failing shall be liable to fine and imprisonment. In the event of there being no person in the city on whom such order can be served, the city may have such work done and such improvement made on account of the owner thereof; and all costs, charges and expenses shall be a lien on the property, an [on] the filing of a memorandum thereof by the mayor, under the seal of the corporation, and recording the same with the district clerk; and the city may enforce said lien, and institute suit in the corporate name, and obtain judgment against said party for the amount so due as aforesaid in any court having jurisdiction.

Sec. 84. The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the Constitution of this State,

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for the good government, peace and order of the city and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any department thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the prison, work house, or house of correction, or both, in the discretion of the court before which conviction may be had, but no fine or penalty shall exceed one hundred dollars, nor the imprisonment more than twenty days, for any offense; and for any fine, penalty and costs imposed by the recorder in the trial of any cause or complaint before him, execution may issue to collect such fine and costs, to be levied and executed in the same manner that executions are from the district court; the same shall be issued by the city clerk, under the corporate seal, to the city marshal, who, in levying on property and selling, shall have like power and authority as the sheriff of the county in executions issued from the district court; and the laws of the State, so far as applicable, shall apply to and be in full force and effect as to executions issued from the recorder's court, and the city marshal executing the same. Any person upon whom the fine or penalty is imposed, may be committed, until the payment of the same with costs, and in default thereof may be imprisoned in the city prison, or work house, or house of correction, or be required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance; provided, such imprisonment shall not exceed twenty days.

Sec. 85. No police officer shall be liable for damages for any act committed in the proper and legal discharge of his duties.

Article III.—Powers of the Mayor.

Sec. 86. The mayor shall have power to sign or veto any ordinance passed by the city council. Any ordinance vetoed by the mayor may be passed over the veto by a vote of two-thirds of the whole number of councilmen elected, notwithstanding the veto; and should the mayor neglect or refuse to sign any ordinance, or return the same with his objections in writing, at the next meeting of the council, the same shall take effect without his signature.

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Sec. 87. All orders and drafts upon the treasurer for money shall be signed by the mayor, and shall be attested by the city clerk.

Sec. 88. The mayor shall preside at all the meetings of the city council, except as herein otherwise provided, and shall have a casting vote when the council is equally divided, and not otherwise; and shall have the superintending control of all the officers and the affairs of the city, and shall see that the ordinances of the city and of this act are complied with.

Sec. 89. He shall sign the commissions or appointments of all officers elected or appointed in the city government.

Sec. 90. He shall be a conservator of the peace throughout the city, and shall, at all times, have power by and with the consent of the city council to appoint any number of special policemen that he may deem necessary to preserve the peace of the city, and to dismiss the same at his pleasure.

Sec. 91. He shall, from time to time, communicate to the city council such information, and recommend such measures as in his opinion may tend to the improvement of the finances of the city, the police, health, security, ornament, comfort and general prosperity of the city.

Sec. 92. The mayor, on the recommendation of two councilmen, shall have power to call special meetings of the city council. He shall also have power to require any city officer to exhibit his accounts and papers, and make report to the city council, in writing, concerning the affairs of his office. He shall also have power to call on all male citizens over the age of eighteen years to aid in the enforcement of the ordinances, and the preserving of the peace of the city. He shall, also, have power, by and with the consent of the council, to appoint such additional officers as may be created by ordinance, from time to time. In case of the absence or sickness of the recorder, or vacancy in that office, he shall have like power with the recorder to try all cases authorized by law to be tried by that officer. He shall also have the same power as justices of the peace to administer oaths of office, and also all other oaths and affirmations, and to give certificates thereof. He shall also have power to solemnize marriages; and in all cases in which he acts in the trial of breaches of the city ordinances, he shall

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receive such fees as are allowed the recorder in similar cases.

Article IV.—Powers and Duties of Recorder and Other City Officers.

Sec. 93. The recorder shall be elected in the same manner as other city officers, and until the first election shall be appointed as provided for herein in the case of other city officials. He shall hold his office after such election, for two years and until his successor is elected and qualified; and for malfeasance or failure to perform his duties, shall, upon the unanimous petition of the mayor and councilmen, be impeached and removed in the same manner as provided for herein in the removal of the mayor. He shall be chief judicial magistrate of the city; as such, shall hold a court within said city by the name of the Recorder's Court of the city of Denison, which said court shall have cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other causes arising under the laws of said city. The said court shall have full power, authority and jurisdiction in all cases arising under the ordinances of said corporation, and for any breaches or violations thereof, and of any and all persons thus offending, and to try and determine all suits, actions and complaints, charging a violation of any ordinance of said city, and may grant new trials, on motion in writing showing sufficient cause and duly sworn to. The recorder may require of any person arrested, under the provisions of this act, a bond for his or her good behavior and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city of Denison. He shall have full power and authority to issue subpoenas for witnesses, and compel their attendance by process of attachment. He may punish all contempts by fine or imprisonment, or both, in like manner as a justice of the peace; may issue subpoenas (writs of), capias, warrants of arrest, sea[r]ch warrants, executions, and all other process known to the law, which a justice of the peace in this State may lawfully issue; and all of said writs and process shall be issued, served and executed under the same forms and in the same manner as the like writs and process would be when issued by a justice of the peace, unless herein otherwise pro-

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vided. He shall also have full power and authority to administer official oaths, and all oaths or affirmations, and give certificates thereof. The recorder shall be ex officio justice of the peace in criminal matters, and he shall possess and execute, within the city limits, all the powers, duties and jurisdiction of such officer. The city council shall determine at their first meeting, or as soon thereafter as practicable, what costs shall be charged in proceedings in and for all process issued in said court, and shall allow the recorder for his services a salary payable at stated periods. And the recorder shall perform such other duties as may be prescribed by any ordinance of said corporation, not inconsistent with the laws and Constitution of this State, that may properly and lawfully be required of said officer as the recorder of said city. He shall be a conservator of the peace, and his court shall be open every day, except Sunday, to hear and determine any and all cases cognizable before him, and he shall have power to bring parties forthwith before him for trial.

Sec. 94. Persons arraigned for violation of city ordinances, demanding a trial by jury, shall deposit with the city clerk the sum of six dollars security, for the payment of the costs of such jury; and any person convicted before the recorder of any offense under the ordinances of the city, shall be punished by fine not exceeding one hundred dollars and costs, and if not paid, shall be subject to imprisonment and hard labor, as may be regulated by ordinance, not to exceed twenty days.

Sec. 95. In all cases before the recorder, arising under the ordinances of the city, wherein the fine assessed exceeds twenty dollars, an appeal may be taken by the defendant to the court having criminal jurisdiction, in and for the court [county] in which said city is situated; but no such appeal shall be allowed unless defendant shall, within ten days, enter into recognizance, and deposit with the district clerk a sum sufficient for the payment of the fine and costs of appeal, if it should be determined against the appellant, or give a bond for the payment of same, with two sufficient sureties, who shall qualify in double the amount of such fine and costs. And in all other actions arising before said recorder, other than these enumerated in this section, his judgments and final orders therein may be revised in the manner prescribed for revising such judgments and orders, when made in such cases by a justice of the peace.

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Sec. 96. The city attorney shall, by himself or deputy, appear and prosecute all cases in the recorder's court, arising under the ordinances of the city.

Sec. 97. The treasurer of said city of Denison shall give bond in favor of said city of Denison, in such amount as may be required by the city council, and with sufficient sureties, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same upon the order of the mayor, attested by the clerk. He shall keep regular and correct accounts of the real, personal and mixed property, and shall render a full and correct annual statement of his receipts and payments to the city council, and as much oftener as may be required by the said council. He shall also do and perform such other acts and duties as may be prescribed by ordinance of the council, and for his services shall receive such pay and compensation as may be fixed by said council.

Sec. 98. The powers, duties and salaries or compensation of the street commissioner, and all other city officers named hereinafter provided for, shall be prescribed and fixed by ordinance of said council, unless otherwise provided for herein.

Sec. 99. The city marshal shall assist the treasurer in the collection of all taxes due to the city, and all sums [f]or license or other purposes herein provided for, under such restrictions and subject to such directions and pay as the city council may by ordinance enact.

Sec. 100. The city marshal, either in person or by deputy, shall attend upon the recorder's court while said court is in session, and shall promptly and faithfully execute all writs and process issued by said court; he shall also attend all general and special meetings of the city council. He shall be the chief police officer of the city under the mayor; he shall have like power with the sheriff of the county to execute the writ of search warrant; he shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take in custody all person[s] so offending against the peace of the community; and shall have authority to take suitable and sufficient bail for the appearance before the recorder's court of any person charge[d] with an offense against the ordinances or laws of the city. It shall be his duty to arrest all violators of the public

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peace, and all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbances whatsoever, to prevent a breach of the peace, or to preserve quiet and good order. He shall have authority to close any theatre, bar room, ball room, drinking house or other place or building of public resort, in the prevention and suppression of crime and arrest of offenders. He shall have powers, and execute like power, authority and jurisdiction as the sheriff of a county under the laws of the State, within the city limits. He shall receive the same fees as the sheriff and constable of a county do by law for like services; and he shall give such bond for the faithful performance of his duties as the city council may require; and he shall perform such other duties, and shall be invested with such other powers, rights and authority as the city council may, by ordinance, require and confer, not inconsistent with the Constitution and laws of this State.

Sec. 101. The assistant marshal, or assistant marshals, shall have the same power and authority as the city marshal, and perform the same duties as the marshal.

Sec. 102. The city attorney shall, by himself or deputy, appear and prosecute all cases in the recorder's court arising under the ordinances of the city. He shall attend upon the meetings of the city council to give his advice and counsel; he shall give his opinion upon all legal questions arising under the city government; he shall aid, when called upon, to revise or draw up any ordinance of the city, and for this service he shall receive no extra compensation other than his salary and such fees as the city council may see fit to allow for convictions before the recorder's court.

Sec. 103. That it shall be the duty of the city clerk to attend every meeting of the city council, and keep accurate minutes of the proceedings thereof, in a book to be provided for that purpose, engross and enroll all laws, resolutions and ordinances, of the said city council; to keep the corporate seal; to take care of, preserve, and keep in order, all the books, records, papers, documents and files of said city; to countersign all commissions issued to the city officers and licenses issued by the mayor, and to keep a record or register thereof; and to make out all notices required under any regulation or or-

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dinance of the city. He shall draw all warrants on the treasurer, and countersign the same, and keep an accurate account thereof, in a book to be provided for the purpose. He shall also be clerk of the recorder's court, and shall have custody of all books and papers belonging to said court. He shall make out all process and writs, and enter upon a docket all complaints for violation or infractions of city ordinances before the recorder, and his judgment or sentence therein. He shall have power and authority to administer all oaths and affirmations, and as clerk of said court shall be entitled to such fees as are allowed the clerk of the District Court for like services. The city clerk shall be the general accountant of the corporation, and shall keep in books regular accounts of all receipts and disbursements for the city, and separately, under proper heads, each receipt and disbursement, and also accounts with each person, including officers who have money transactions with the city, crediting amounts allowed by proper authority, and charging each with all warrants drawn in his favor, and specifying the particular transaction to which such entries apply. He shall keep a financial record of the city in a proper book-keeping style, and publish a statement thereof at the end of each quarter. He shall also keep a register of bonds and bills issued by the city, and all evidence of debt due and payable to it, noting the particulars thereof, and of all facts connected therewith as they occur. He shall carefully keep all contracts made by the city, and he shall do and perform all such other duties as may be required of him by any law, ordinance, resolution or order of the city council. He shall receive for his services such sum, salary and fees as the city council may fix by ordinance—bonds which the city council, upon the request of the board, are authorized to issue, subject to the like restrictions as other bonds hereinbefore provided; and the board of education is hereby authorized and empowered to sell such bonds.

Article V.—Of Taxation.

Sec. 104. The city council shall have power within the city, by ordinance, to annually levy and collect taxes for general purposes, not exceeding one per cent. on

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the assessed value of all real and personal estate and property in the city. To annually lay and collect a poll tax, not to exceed one dollar, of every male inhabitant over twenty-one years of age, who has resided therein twelve months previous to assessment of said tax. To levy and collect special taxes for special purposes. That the city council shall have power to levy and collect taxes, commonly known as licenses, upon trades, professions, callings, and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons, and other vehicles used in said city, and whether the same are for public or private use. That each and every person and firm engaged in the following trades, professions, callings and business, among others, shall be liable to pay such license tax; but this enumeration shall not be construed to deprive the city council of the right and power to levy and collect other license taxes, and from other persons and firms, under the general authority herein granted: Every member in said city, and every person and firm engaged in selling goods, wares or merchandise; every person and firm selling liquor in quantities over a quart; every person or firm keeping a grog-shop, tippling house, bar room or drinking saloon; every person or firm keeping a place where spirituous liquors, wines, cordials or beer are sold in quantities less than one quart; every person or firm keeping a billiard table, ball alley, or nine or ten pin alley, or any similar game; every person or firm keeping a tavern, hotel, or boarding house; every person or firm keeping a restaurant or eating house, oyester shop, oyster saloon, or place of any description where eatables or refreshments are furnished; every person or firm keeping a livery stable or stables; every person or firm selling goods, wares or merchandise at public auction; every person or firm pursuing the occupation of real estate broker or agent; merchandise, cotton or produce broker, or commission business; any person or firm pursuing the occupation of hawkers, a peddler of goods, or any article whatsoever; every firm or person keeping a brewery, beer shop, or distillery; any person or firm keeping any storage, warehouse, or engaged in any manufacturer's business, keeping an intelligence office; each and every insurance company, or agent of insurance company, shall be liable to pay said city license tax, and every agent of insurance

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companies shall be held responsible for each association, corporation or company of which he is agent. That each and every person or firm selling goods, wares and merchandise within said city, by the sample, card or other specimen, or by a written or printed trade list or catalogue, shall also be subject to, and pay said license tax; provided, this last provision shall not apply to merchants doing business within the said city and duly licensed. Any person or firm pursuing occupations, business, avocations or callings, subject to a license tax, shall pay on each, and no license shall extend to more than one establishment, or include more than one occupation, avocation, calling or business.

Sec. 105. The license tax shall be collected by the marshal, and shall be paid to that officer by each and every person, or firm or corporation, owing such license. Upon the presentation of the receipt of the marshal, the city clerk shall issue the license under the corporate seal of the city, signed by the mayor and city clerk. That if any person shall engage in any business, calling, avocation or occupation which, by ordinance, is subject to a license tax, without first having obtained said license, he, or she, or they, shall be liable to a fine of ten dollars for each day said violation of said ordinance may continue; and this section shall apply to all persons owing any license, and failing to pay the same. Said taxes, commonly known as licenses, laid as herein provided, shall not be constructed to be a tax on property within the meaning of any other section of this act.

Sec. 106. That the term "real estate" or "property," as used in this act, shall be construed to include lots, lands, and all buildings or machinery and structures of every kind erected upon or affixed to the same. That the term "personal estate" or "property," as used in this act, shall be so construed as to include all household furniture, moneys, goods, capital, chattels, all public stocks, and stocks in corporations, moneyed or otherwise, and generally all property which is not real. That all property exempt from taxation, under the laws of the State, shall be exempt from taxes imposed or authorized by this act; and the city council may, by ordinance, provide for the exemption from taxation of such other property as they may deem just and proper; provided, nothing contained under this title of taxation shall be construed to

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prevent the city council from imposing, levying and collecting special taxes for the improvement of avenues, streams, ditches, streets and alleys, as hereinafter provided.

Sec. 107. That the city council may, and shall have full power to provide, by ordinance, for the prompt collection of all taxes assessed, levied, and imposed by this act, hereby authorized and due to the said city; and to that end may and shall have power and authority to seize and sell personal property; and may and shall make all such rules and regulations, and ordain and pass all such ordinances as they may deem necessary to the levying, imposing, assessing and collecting of any of the taxes herein provided, as taxes on real property are enforced and collected by the State.

Sec. 108. The marshal shall, when any personal property has been sold for the payment of taxes, make, execute and deliver a deed for said property to the person or persons purchasing the same; and said deed shall be prima facie evidence in all controversies and suits in relation to the right of the purchaser, his, her or their heirs and assigns, that all the requirements of the law have been complied with. The marshal shall have full power to levy upon all personal property to satisfy any tax imposed by this act. All taxes shall be a lien upon the property upon which they are assessed. And in case, any property levied upon is about to be removed out of the city, the marshal shall proceed to take into his possession so much thereof as will pay the taxes assessed and costs of collection.

Sec. 109. If from any cause the sale of property levied upon or seized for taxes shall not take place at the time first appointed, the marshal shall appoint some other time, give like notice, and proceed to sell such property in the manner prescribed in the first instance; and in case said property levied upon or seized for taxes cannot be sold on the day advertised, such sale may be postponed from day to day until completed, of which postponement the marshal shall give verbal notice at the expiration of sale each day. If at any sale of real or personal property or estate for taxes, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a deed for said property,

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and shall be vested with the same rights as other purchasers at such sales, and shall have power to sell and convey the same.

Sec. 110. That if any person shall fail, neglect or refuse to pay the taxes imposed upon him or her, and his or her property, within the time prescribed by ordinance of said city, the marshal shall, by virtue of his tax lists and assessment roll, levy upon so much personal property liable to taxation, belonging to such persons, as may be sufficient to pay his, her or their taxes; and the marshal shall give notice of the time and place of sale, by advertisement, in writing, giving the name of the party (if not unknown property), the property, and the amount of taxes, costs and fees due thereupon. Such notice shall be advertised in the official journal of the city, and also posted at the mayor's office, the collector's office, and two at different public places in the city; and at the expiration of such notice, and on the day therein specified, the marshal shall proceed to sell such property at public auction, in front of the court house door, or such other building in the said city as may be used for that purpose.

Sec. 111. The marshal, after the completion of the assessment roll, as required by ordinance, shall proceed to collect the taxes as therein mentioned, within the time, and give such notice as may be prescribed by the city council; and for that purpose shall call once upon every person taxed, or on the agent or attorney of such person, at the usual place of his or her residence, office, place of business, or elsewhere, and demand the payment of the taxes charged upon his or her personal property, if the person is to be found; if not, then a written demand, specifying the amount of taxes due, left at the residence with some member of the family over fourteen years of age, shall be a sufficient demand; provided, that if any person thus owing taxes, has no residence, office or place of business, and no agent in the city, and none known to the marshal, then the said demand shall not be necessary, and the ordinary published notice required by ordinance shall be sufficient.

Sec. 112. It shall be the duty of the city treasurer, at the expiration of the time fixed by ordinance for the rendition of property, to ascertain what property in the city, subject to taxation, has not been given in; and a list of

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all such property, as is subjcet to taxation, shall be by him presented to the board of appeal, in a supplement to the assessment roll, as unknown, specifying the year for which said tax is due, and the amount thereof; and if said tax is not paid within the time prescribed by law, the taxes on said property shall be collecter at the same time, and with like effect as other property. Whenever the city treasurer shall ascertain that any taxable inhabitants, real or personal property, have not been assessed for any past year, he shall assess the same in his next assessment roll (in a supplement thereto), at the same rate under which said inhabitants or property should have been assessed for such year, stating the years for which such inhabitants or property should have been assessed, and the taxes thereon shall be collected in the same manner as other assessments. In all cases where any party has omitted to render property for taxation for any former year or years, and such taxes have not been paid, such party shall give such property in for assessment for the years thus omitted, and pay said taxes, and the city treasurer shall enter such property in a supplement to his next assessment roll, under the head of payments for former years.

Sec. 113. It shall be the duty of the city treasurer to assess and return, within the time fixed by the board, all property subject to taxation, and to make out a list of such property, and of persons chargeable with a poll tax, describing as near as possible the quantity, streets and bounds of real estate, and the value of the grounds and that of the improvements separately; and to make out a list of all personal property and return the same assessed; and all property not returned to the city treasurer, according to the provisions of this act, he shall proceed to assess in the name of the owner, and if he be known, and if not, then it shall be assessed by description of the property and last known owner; and the value of all such property shall be determined by the board of revision and appeal, and the same may be sold, as in other cases, if the taxes be not paid in the time prescribed by law, the assessment be made according to law, and the directions given by the city council.

Sec. 114. The city council, or at least the mayor and three members of said council, shall sit as a board of appeal and revision, to whom shall be submitted, by the

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city treasurer, the tax list, and before whom persons feeling aggrieved may appeal in writing, stating his or her grievance. They shall hear and determine all such appeals in a summary manner, correct errors, appraise all property assessed as unknown, and increase or diminish any assessment as they may see fit. After the board has revised such tax list, the city clerk shall make out a correct list, and enter the amendments due from each person, and it shall be immediately delivered to the city treasurer, who shall give a receipt for the aggregate amount thereof, which shall be charged to him. If after or before payment of taxes by any person, any error is discovered in amount, such error shall be corrected upon application in writing, and the overcharge, if paid, shall be refunded to the person having paid the same.

Sec. 115. Every person, partnership and corporation, owning property within the limits of the corporation, shall, within two months after published notice, hand in to the treasurer of the city a full and complete inventory of the property possessed or controlled by him, her, or them, within the said limits, not exempt from taxation, on the first day of March of the current year, verified as required by ordinance; and any person failing or refusing to comply with the provisions of this section shall be liable to fine and imprisonment; and the city council shall, by ordinance, clearly define the duties of taxpayers herein, and make all necessary rules and regulations to secure the rendition of property, and the collection of the taxes due thereon.

Sec. 116. The city council shall have power, by ordinance, to regulate the mode and manner of making out tax lists or inventories, and the appraisements of property, and to prescribe the form of oath that shall be administered to each person on such rendition of property; and to prescribe how and when property shall thus be rendered, and to prescribe the number and manner of asessment rolls; and fix the duties, and define the powers of the city treasurer and the marshal, and adopt such measures as they may deem advisable to secure the assessment of all property within the limits of said city, and collect the tax thereupon; and may, by ordinance, provide that any person, firm or corporation, having property subject to taxation, or being liable for any tax under the provisions of this act, and neglecting to render

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a list, inventory and appraisement thereof, as required by any ordinance of said city, shall be liable to fine and imprisonment.

Article VI.—Streets and Alleys.

Sec. 117. The city council shall be invested with full power and authority to grade and me[a]cadamize, pave, repair, widen, straighten, or otherwise improve any avenue, street or alley, or any portion thereof, within the limits of the city, whenever, by the vote of two-thirds of the councilmen elected or appointed, they may deem such improvement for the public interest; provided, the city council shall pay one-third and the owners of the property two-thirds thereof; exception [excepting] the intersections of the streets from lot to lot across the streets either way, which shall be paid for by the city alone; and in the widening of streets, avenues or alleys, the damage and expense of which shall be assesed proportionately upon the owners of the property on either side of such streets, avenue or alley widened.

Sec. 118. That whenever the city shall determine to make any such improvement, they shall cause an estimate to be made of the probable cost thereof by the street commissioner, city engineer, or some other officer of the city, or by a committee of councilmen, and such officer or committee shall also report a full list of all lots or fractional lots, giving number and size of the same, and the number of the block in which situated, and the name of the owners thereof, if known, and such other information as may be required by the city council, lying and being on each side of the street, avenue or alley to be improved as aforesaid; and if there be any lot, or any fractional lot, the owner thereof [whereof] is not known, the same shall be entered on said list as unknown. It shall be the duty of the officer or the committee aforesaid, to enter on said list, opposite each lot or fractional lot therein, one-third of the estimated expense for such work or improvements on such avenue, street or alley, fronting, adjoining or opposite such lot or fractional lot; and on the acceptance and approval of said report and list by the city council, said amounts shall be imposed, levied and assessed as taxes, and shall be a lien on the property until the payment of the same.

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Sec. 119. That after such action on the part of the city council as above provided for, such officer or committee shall give such notice as may be required by ordinance, of said tax being due, and within what time payable, and shall commence forthwith to collect the same. And the city may enforce the payment of the amount so due as in the case of taxes due to the same extent, and subject to the same conditions, which are or may be provided by ordinance for the sale of real estate in the city of Denison, charged with the payment of taxes imposed by said corporation, and subject to the restrictions attached to the sale of property for other taxes as herein provided for and not inconsistent with the general laws of the State.

Sec. 120. That in addition to the power and authority granted to the city council to collect said assessments as taxes, as aforesaid, they shall have the further and additional remedy of instituting suit, in the corporate name, in any court having jurisdiction, for the recovery against any owner of said property, for the amount due for any such work so made as aforesaid; and the city council shall provide by resolution, or ordinance, under the provisions of this act, for carrying out and executing the powers in this title conferred, and may adopt such resolutions, and enact such ordinances, and make such rules and regulations as they may deem necessary.

Sec. 121. In the widening and straightening of any avenue, street or alleys, the street commissioner, city engineer or committee, shall determine the width and manner of widening, and shall assess the damage to those owners of the property which is thrown into the avenue, street or alley; the damage of buildings taken down, and fences and walls removed, making a sepe[a]rate assessment in the case of each owner so damaged. The street commissioner or city engineer, or committee, shall prepare an estimate of the increased value of the property on such street, alley, or avenue so widened or straightened, which increased value shall be assessed on such lot and piece of property from which ground in takened [taken], and charged against each piece of land or property from which ground is not taken; and then a special tax levied upon all the property on the street, avenue or alley, for the payment of one-third of the remainder of the damage done to the owner loosing the ground, the remaining

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damage to be paid by the city. The city council shall sit as a board of adjustment, and revision and appeal, and shall finally approve of the action of the street commissioner, engineer, or the officer or committee appointed to make such report, before the same shall go into operation, and shall fix a time within which such widening or straightening shall be done.

Sec. 122. Special taxes shall be a lien on the lots and pieces of land or ground subject to the same, from the time the amount thereof shall have been ascertained; and in case any error or irregularity should occur in levying or collecting any such special tax, proceedings may be taken anew, so as to obviate any such error or irregularity.

Sec. 123. Whenever it shall become necessary to appropriate private property for the use of the city, and such appropriation shall be declared necessary, by ordinance, the mayor, with the approval of the council, shall appoint three disinterested freeholders of the city, who, after first being duly sworn to perform the duties of their appointment with fidelity and impartiality, shall assess the damage to the owners of the property, respectively, by such appropriation; such assessment shall be reported to the council, and when confirmed by them, the damages shall be payable as provided in the next section; provided, this section shall not be considered as conflicting with section one hundred and forty, relating to widening of streets, alleys and avenues.

Sec. 124. Such damages shall be paid to the owners of such property, or deposited with the city treasurer, subject to the order of such owners respectively, before such property shall be taken for the use of the city.

Sec. 125. If the assessment of the freeholders be not confirmed by the council, proceedings may be taken anew to assess damages.

Article VII.—Fire Department.

Sec. 126. The city council, for the purpose of guarding against the calamities of fire, may prohibit the erection, building, placing, moving or repairing of wooden buildings within such limits, within said city limits, prohibit the moving or putting up of any wooden building from without said limits; and may also prohibit the re-

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moval of any wooden building from one place to another within said limits; and may direct and require, and prescribe, that all buildings within the limits so designated and prescribed as aforesaid, shall be made or constructed of fire proof material; and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they may prescribe and direct; to declare all wooden buildings within the fire limits, which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated, in such manner as they may prescribe.

Sec. 127. The city council shall have power to prevent and prohibit the dangerous construction and condition of chimneys, flues, fire places, stove pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, when considered dangerous. To prevent the deposit of ashes in places where they would be liable to produce fire, and to direct the police, or other persons appointed, to enter into all buildings and enclosures, to examine if they are in a safe condition, and to cause them to be made safe. To regulate the supplies of water for the extinction of fires. To prevent the carrying on of manufactories and works dangerous in promoting and and causing fires. To prevent the use of fireworks and firearms. To direct, control and prohibit the keeping and management of houses or any building for the storing of gunpowder and other combustible, explosive and dangerous material within the city; to regulate the keeping and conveying of the same; and the use of candles and other lights in stables or other like houses. To regulate and prescribe the manner, and order the building of parapet and partition walls and partition fences. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to same. And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Cec. 128. The city council shall have power to organ-

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ize such fire departments as they may deem necessary, and adopt any system of fire companies they may deem wise and expedient, voluntary or paid; and all volunteer companies shall be subject to the control of the mayor and city council.

Article VIII.—Miscellaneous.

Sec. 129. The city council, by ordinance, shall have power to provide for the sale of personal property for the personal taxes from the owners thereof, or assessed upon the property to be sold.

Sec. 130. Every ordinance imposing any penalty, fine imprisonment or forfeiture for violations of its provisions shall, after the passage thereof, be published once in the city paper, and proof of such publication by printer or publishers of such newspaper, taken before an officer authorized to administer oaths and filed with the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance in all courts and places. Ordinances passed by the city council, and requiring publication, shall be in force from and after the publication thereof, unless it be therein otherwise expressly provided. Ordinances not requiring publication, shall take effect and be enforced from and after their passage, unless it shall be therein otherwise expressly provided. There shall be a digest of the ordinances of the city, which are of a general nature, published as soon as practicable after the passage of this act, and every two years afterwards; provided, however, that the publication of ordinances herein provided for shall not not apply to those providing for aid to any corporation, or other purpose. Such ordinances shall be published with the proposition of the corporation, once a week for four successive weeks, and as further provided for herein.

Sec. 131. All ordinances of the city, when printed and published by authority of the city council, shall be admitted and received in all courts and places, without further proof. The style of all ordinances shall be, "Be it ordained by the city council of the city of Denison," but may be omitted when published in the form of book or pamphlet.

Sec. 132. Whenever, in the opinion of the city coun-

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cil, any building, fence, shed, awning, or any erection of any kind or any part thereof, is liable to fall down and endanger persons or property, they may order any owner or agent of the same, or any owner or occupant of the premises in which such building, shed awning or other erection stands, or to which it is attached, to take down and remove the same, or any part thereof, within such time as they may direct, and punish, by fine and imprisonment, or either, any neglect, failure or refusal to comply therewith. The city council shall, in addition, have the power to remove the same, at the expense of the city, on account of the owner of the property or premises, and assess the expense on the land on which it stood or to which it was attached; and shall, by ordinance, provide for such assessment, the mode and manner of giving notice, and the means of recovering any such expense.

Sec. 133. Whenever any person has been required by the recorder, or mayor acting as recorder, to give bond or bonds for good behavior, or any similar bond, and complied with such order, and been guilty of a violation or infraction of any such bond, and the same is proven to the satisfaction of that officer in any trial or complaint, such party so offending may be fined in the sum of five hundred dollars and imprisonment for six months; and the city, in its corporate name, may sue in any court having jurisdiction for the recovery of the penalty of such bond.

Sec. 134. In all cases where, by any provisions of this act, or by an ordinance passed in pursuance thereof, a person is required to obtain a license for any calling, occupation, business or vocation, and has, on complaint before the recorder, been adjudged guilty of violating any rule, regulation or ordinance of the city council in relation thereto, the recorder, in addition to fine and imprisonment, or either, may suspend or revoke the license so granted.

Sec. 135. Warrants drawn upon the city treasurer for payment of money shall be for immediate payment, and will not be received for taxes or other dues, due the city, and are not to be considered a circulating medium; and the mayor is forbidden to draw warrants up[on] the treasurer only under specific appropriation, and not beyond the amount appropriated by the city council for all purposes under the city government.

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Sec. 136. A majority of the city council shall constitute a quorum.

Sec. 137. The city council shall choose a city printer, and regulate the price of printing and advertising.

Sec. 138. The marshal and policemen of the city shall have power to arrest all offenders against the laws of the State or ordinances of the city, by day or by night, and keep them in the city prison to prevent their escape, until they can be brought before the proper officer. The city marshals and policemen may arrest any persons committing any offense against the peace of the city, or a breach of any city ordinance, committed in their presence, or on complaint of any person, without a warrant. Policemen serving warrants for the arrest of persons shall be deemed the deputies of the city marshal, and shall have the same powers, and receive the same fees for like services, as constables under the State laws within the city limits.

Sec. 139. The duties, powers and privileges of all officers, of any character, in any way connected with the city government, not herein defined, shall be defined by ordinance of the mayor and city council.

Sec. 140. Lands, houses, moneys, debts due the city, and personal and real property, and assets of every description, belonging to the city, shall be exempt from execution and sale; but the city shall make provisions, by taxation or otherwise, for the payment of any and all indebtedness due by the city.

Sec. 141. Whenever a majority of the inhabitants qualified to vote for the State Legislature, on any territory adjoining the present limits of the city of Denison, shall vote in favor of becoming a part of said city, and any three of them may make affidavit before the mayor, who shall certify the same to the city council of said city; and said city council may or by ordinance, receive them as part of said city; and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens, and bound by all acts and ordinances made in conformity thereto, and passed in pursuance of this act.

Sec. 142. The cemetery lots which have or may hereafter be laid out and sold for private places of burial shall, with the appurtenances, forever be exempt from taxes, executions, attachment or forced sale.

Sec. 143. No person shall be an incompetent judge,

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justice, councilman, juror, by reason of his being an inhabitant or freeholder in the city of Denison, in any action or proceeding in which said city may be a party in interest.

Sec. 144. When by the provisions of this act the city council have power to pass ordinances on any subject, they may prescribe any penalty, not exceeding one hundred dollars, for the violation thereof; and in case of the imposition of a fine, and non-payment, may provide that the party convicted be committed to jail, or house of correction or be required to work on the alleys, avenues, streets, or any public work of the city, for such time as the city council may by ordinance provide, not to exceed twenty days, unless otherwise herein provided.

Sec. 145. It shall not be necessary in any suit, action or proceeding, in which the city of Denison shall be a party, for any bond, undertaking or security to be executed in behalf of the city, but all such actions, suits and proceedings shall be conducted the same as if such bond, undertaking or security had been given; and for all purposes of such actions, suits and proceedings, the city shall be liable in the same manner, and to the same extent, as if the bond, undertaking or security required in other cases, had been duly given and executed.

Sec. 146. The city council shall have power to prescribe the duties of all the officers and persons appointed by them, or elected to any office or place whatever, subject to the provisions of this act; to revoke any license given under this act; to remit in whole or in part, and on such conditions as shall be deemed proper, by a vote of two-thirds of all the members present, any fine or penalty belonging to the city, which may be imposed or incurred under this act or under any ordinance or regulation in pursuance thereof.

Sec. 147. Members of the city council shall be exempt from jury duty during the term of their office. Members of the city council shall receive such compensation, and be subject to such penalties as may be provided for by ordinance, but in no case shall they receive more than one dollar for each meeting.

Sec. 148. The office of city council shall not be deemed an office of profit; and any person holding office under the State or national government shall be eligible to the office of city councilman of said city.

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Sec. 149. The city council shall have power to remove for incompetency, corruption, misconduct, or malfeasance in office, any officer appointed or elected by them, after due notice and opportunity to be heard in his defense; and in addition to the foregoing power of approval [removal], the city council shall have power at any time to remove any officer of the corporation elected by them, by resolution declaratory of its want of confidence in said officer; provided, that two-thirds of the councilmen elected shall vote in favor of said resolution.

Sc. 150. Whenever any person shall be removed from any office, or the term for which he was appointed or elected has expired, or he has resigned or ceased to act in such official capacity, he shall deliver over to his successor all books, papers and effects in any way appertaining to the office. Every person violating this provision shall be guilty of a misdemeanor, and shall be deemed an offender within the meaning of any law of the State punishing such offense, and in addition thereto shall, on conviction before the recorder, be fined in a sum not exceeding five hundred dollars, and imprisoned for any time not exceeding six months, or either; and any officer who shall have been entrusted with the collection or custody of funds belonging to said city, who shall be in default to said city, besides being liable to criminal prosecution and a civil action for debt, shall thereafter be incapable of holding any office under said city until the amount of his defalcation shall have been fully paid to said city, with twelve per cent. interest.

Sec. 151. That no member of the council shall hold office or employment under the city government while he is a member of said city council, unless herein otherwise provided; and no member of the city council, or any officer of the corporation, shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the city council, nor be the surety of any person having a contract work or business with said city, for the performance of which security may be required.

Sec. 152. Resignation by any officer authorized to be elected or appointed by this act, shall be made to the city council, in writing, subject to their approval and acceptance; provided, that nothing in this section contained

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shall apply to appointments by the mayor; any such appointee, wishing to resign, shall present his resignation to that officer, in writing, for his action.

Sec. 153. All fines, forfeitures and penalties, for the breach or violation of any provision of this act, or of any regulation, order or ordinance of the city, shall, when collected, be paid into the city treasury for the use and benefit of said city.

Sec. 154. The salaries or compensation of the city officers named in this act, and the time of paying same, shall be fixed by ordinance of the council.

Sec. 155. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places.

Sec. 156. That this act shall take effect and be in force from and after its passage.

Approved March 7th, 1873.

CHAPTER XX.

An Act amendatory of and supplementary to "An Act to Incorporate the City of Dallas," approved April 20th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections three, four, five, six, seven, eight, ten, twelve, thirteen, fifteen, eighteen, twenty-six and twenty-nine of "An act to incorporate the city of Dallas," approved April 20th, 1871, be, and the same are hereby repealed.

Sec. 2. That the meetings of the city council of said city shall always be public, and open to the visits of all quiet and orderly persons. The council shall determine the times and place, or places of its regular and adjourned meetings. Special meetings may at any time be called by the mayor at his discretion, and he shall always call such meetings when requested in writing by three aldermen.

Sec. 3. That so long as the number of aldermen remains as fixed by this act, a majority of the whole number, with or without the mayor, shall constitute a quorum to do business, but no tax shall be levied without the concurrence of a majority of the whole council, taken by yeas and nays, and entered on its journal.

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Sec. 4. The council, within ten days after the installation of each new board, may elect a secretary, he being a bona fide citizen of the city, and a legal voter therein, who shall serve until the installation of a succeeding council, unless sooner removed by the majority of the whole council. His duties, salary and fees shall be fixed by the council.

Sec. 5. That every person brought before the mayor, to be tried for an offense for which the penalty may a fine or imprisonment, or both, shall be entitled, if he or she shall demand it, to be tried by a jury of six legal voters of the city; provided, however, that the mayor shall have power to dispose of petty offenses, whenever the fine shall not exceed five dollars without imprisonment, without allowing the defendant a jury, unless the accused shall make oath that he does not believe the mayor will decide his case impartially.

Sec. 6. That the officers elected for said city in the month of November, A. D. 1872, shall continue in office until the first Tuesday in April, A. D. 1874, and until their successors shall be elected and qualified; provided, that should the Legislature by law establish some other day as a uniform time for municipal elections throughout the State, then, and in that case, the day so fixed shall be substituted for said first Tuesday in April, 1874. On said day, as the case may be, the first general election under this act shall take place, and annually thereafter, as provided by this act. Should any vacancy occur at any time three or [more] months prior to an annual election, in any office made elective by this charter, the same shall be filled by a special election, in the appropriate ward, if it be for an alderman, or in all the wards, if it be for a general officer of the city. It shall be lawful so to elect aldermen to fill vacancies at any time; but vacancies in the office of marshal, assessor and collector, city attorney or city engineer, occurring within three months preceding an annual election, may be filled by the city council; provided, a majority of the whole number shall vote for the same person. At any time after the first general election under this act, the city council shall have the power, having previously had the census of the city taken by blocks or squares, to re-divide the corporate limits into wards, not exceeding eight in number, each of which shall thereafter

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be entitled to elect, by its own vote alone, two aldermen. Said wards shall be divided as nearly as possible so as to equalize the population fairly. A census, however, may be ordered by the existing council at any time after the passage of this act; provided, however, that the seat of any alderman heretofore elected, or who may hereafter be elected, shall be and become vacant immediately on his death, resignation or removal from the ward for which he has been or may be elected; and in like manner, a removal from the city limits shall immediately vacate any city office.

Sec. 7. That until otherwise divided under the provisions of this act, the city shall be divided into four wards as follows, to-wit: The first ward shall embrace all of the corporate limits bounded by the river on the west, the corporate line on the south, Akord and Sycamore streets on the east, and Pacific avenue on the north, and shall be entitled to elect, by its own vote alone, three aldermen. The second ward shall begin at the river on Pacific avenue, and run thence with said avenue to Sycamore street, thence with Sycamore to Bullington street, with Bullington to Ross street, with Ross to Maston street, with Maston to McKinney road street, with McKinney road street to the north line of the city, thence with said line to the Trinity river, and down the river to the beginning, and shall be entitled to elect, by its own vote alone, two aldermen. The third ward shall embrace all of the corporate limits east of the second ward and Sycamore street and north of Main street, and shall be entitled to elect, by its own vote alone, three aldermen. The fourth ward shall embrace all of the corporate limits east of the first ward and south of Main street, and shall be entitled to elect, by its own vote alone, two aldermen. No person shall be eligible to any elective office under this charter who is not a legal voter in the city, and shall have resided therein one year prior to his election.

Sec. 8. That within sixty days after the passage of this act, or as soon thereafter as practicable, and within twenty days after the inauguration of each new city council, the council shall elect for each ward some credible citizen, who shall have been a bona fide citizen of the ward for at least one year next preceding, and a legal voter of the State at the time of his election, who shall serve as presiding officer at all city elections, whether gen-

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eral or special, which may occur in said ward from the date of his appointment until the installation of a new or succeeding city council. In case of a vacancy in such office, the council shall elect a successor, qualified as aforesaid, to serve for the unexpired term. On or before the day of any such election, each presiding officer shall select two managers and two clerks to assist him in conducting the same, who shall have been credible citizens of the ward for at least one year next preceding. One manager and one clerk, whenever there may be opposing parties in such election, shall be selected from different parties. Should there be more than two opposing tickets in the contest, each party, if suitable persons can be found, shall be represented on the board, either by a clerk or manager, unless the number of opposing tickets should exceed four. The presiding officer shall be president of the board, and shall be assisted by the managers in receiving the ballots, numbering them in consecutive order as received, and depositing them in the ballot box. The clerks, under direction of the board, shall keep the poll books, recording the names of voters, and numbering them as recorded in consecutive order, to correspond with the numbers placed on the ballots. Each [election] shall be held in such place and manner as to allow of easy approach by voters, and open to the view of all who may desire to vote.

Sec. 9. That all elections under this charter in the wards of said city shall be by ballot until otherwise provided by law; they shall be held for one day only, from eight o'clock A. M. until six o'clock P. M., with the privilege of a recess of one hour from twelve to one o'clock. Should the polls not be promptly opened for the reception of votes by eight o'clock A. M., the time thus lost shall be extended beyond the hour of six P. M., so as to secure the full period of nine hours for voting purposes. On closing the polls, the board shall immediately proceed to count and cast up the votes for each candidate, and certify and sign the returns in duplicate, one of which shall be sealed up and retained by the presiding officer for future use or reference in case of a contested election. The other copy shall be sealed up, with the name of the presiding officer written across the seals, and by the presiding officer, or, in his absence or inability, by one of the managers, delivered in open session to the

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mayor and council on the next day. The officer so delivering the same shall make oath before the mayor or one of the aldermen that the returns by him delivered have not been altered or opened since being signed and sealed as aforesaid. As received, the mayor and council shall immediately open the returns from each ward, casting up the votes of all the wards for mayor, marshal, and all other officers to be elected by the whole city, and enter the same in tabular form on the journals of the council. The persons thus receiving the highest number of votes for each office shall be declared elected. And, in like manner, the votes for aldermen in each ward shall be entered on the journals, the persons receiving the highest number of votes for the number of aldermen to which each ward is entitled shall be declared elected. The newly elected officers shall enter upon their duties on the third day thereafter, Sundays excepted, or as soon thereafter as practicable; provided, that any officer elect who may be prevented from doing so by absence, sickness, or other cause, may qualify at any time within thirty days, otherwise the office shall be deemed vacant, and a new election held to fill the same. Contested elections, between individual candidates, shall be decided by the newly elected council, in accordance, so far as applicable, with Articles six hundred and fifty-three to six hundred and sixty-eight of Oldham and White's Digest.

Sec. 10. That the officers of said city shall be a mayor, a marshal, an assessor and collector of taxes, a treasurer, a city attorney and a city engineer, to be elected annually by the voters of the city, as provided in this act. The marshal may have one or more deputies, to be appointed by him, with the consent and approval of the council; and the city council may create such other offices as they may deem necessary.

Sec. 11. That the city council shall be composed of the aldermen provided for by this charter, six of whom, so long as the whole number remains ten, shall constitute a quorum to do business. The mayor shall be president of the council, and, in cases of a tie on any question, he shall give the casting vote. At the first meeting of each new council, or as soon thereafter as practicable, one of the aldermen shall be elected president pro tem., who shall hold the office for the ensuing year. In case of the absence, failure, inability or refusal of the mayor to act,

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the president pro tem. shall perform the duties of mayor.

Sec. 12. That every male citizen of said city, who shall have resided therein sixty days preceding an election, being a citizen of the United States, and a legal voter in the State of Texas, and who shall have paid a poll tax to the city within the twelve months preceding, shall be entitled to vote at all elections under this charter, but each voter shall vote only in the ward wherein is his domicil[e], or in which, having no permanent domicil[e], he lodges; provided, that said poll tax may be paid at any time before the party votes.

Sec. 13. That until the population of said city shall amount to at least six thousand souls, to be ascertained by an official census, taken by authority of the council, the annual salary of the mayor shall not exceed eight hundred dollars in United States currency, in addition to such fees as may be legally allowed him by ordinance of the council. In like manner, and for the same time, the salary of the city attorney shall not exceed three hundred dollars in United States currency, in addition to such fees as may be legally allowed him by the city council; provided, that he shall not be allowed any fee to be taxed against a defendant who may plead guilty. The city engineer and marshal shall receive such salary or fees, or both, as may be allowed by ordinance of the council. The commissions allowed the city assessor and collector shall never exceed those allowed by the State for similar services. The commissions of the treasurer shall not exceed five per cent., for both receiving and paying out the revenue of the city; and for all amounts over ten thousand dollars received and paid out in any one financial year, his commissions shall not exceed four per cent. Until the population of the city shall be at least six thousand souls, ascertained as aforesaid, the aldermen shall receive no compensation for their services in attending the meetings of the council. Under no circumstances shall the aggregate salaries of all the officers exceed one-third the amount of the annual revenue of the city.

Sec. 14. The city council shall have no authority to forbid or prevent persons in charge of wagons or other vehicles, from camping within the corporate limits, sufficiently removed from buildings, to avoid danger by or from fires; provided, the owner or owners of the ground camped upon, do not object thereto.

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Sec. 15. That no special registration shall be required of voters in said city, but all persons possessing the qualifications hereinbefore set forth in section twelve, and being registered voters within Dallas county, under the laws of the State in force at the time, shall be entitled to vote.

Sec. 16. That in case of any riot, intimidation of a serious nature, or other disturbance or riotous interference at any election under this charter, the mayor or marshal, or both, as well as the sheriff of the county, shall have the right, and it is hereby made their duty to summon a sufficient posse to overcome and suppress the same, and to see that no obstacle shall be interposed to prevent a free and fair election, without distinction of race or color; and any citizen of said city who shall refuse to obey such summons, shall, on conviction before a justice of the peace, or the District Court, be fined not less than twenty-five, nor more than two hundred [dollars,] according to the gravity of the offense.

Sec. 17. That writs issued by the mayor of said city, for offenses against its laws, may be executed, and the accused person or persons arrested by the marshal, or his deputy, anywhere within the county of Dallas.

Sec. 18. That the city council shall have no power or authority to levy a license or other tax on farmers or other persons selling the produce of the country within said city, or to prevent grain or other produce being sold anywhere therein; provided, that this exemption shall not apply to any branch of trade or traffic taxed by the laws of the State; nor shall it prevent the city council, after a market house or houses shall have been erected, from requiring all fresh meats to be sold therein, nor from renting stalls and privileges in such market house or houses as a course of revenue.

Sec. 19. That the bottom lands of the Trinity river, within the corporate limits of said city, shall not be assessed at any higher rate than are the immediately adjoining bottom lands outside of the city limits, by the county assessor.

Sec. 20. That one-tenth of the annual revenue of said city shall be set aside and appropriated for the years 1873, 1874, and 1875, towards erecting a city hospital, unless by issuing bonds, or otherwise, the council may sooner provide for said object. When a building shall

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have been erected and established as a hospital for the benefit of indigent sick residents of said city, after said year of 1875, unless otherwise provided by a law of the State, one-twentieth of the annual revenue, or so much thereof as may be necessary, shall be appropriated to the support and maintenance of such hospital.

Sec. 21. That a sufficient space shall be allowed on the margin of all streets in said city, adjoining the sidewalks, for hitching saddle, buggy and carriage horses, in such manner as not to impede free passage on the streets or sidewalks.

Sec. 22. That the city council shall have the right and all necessary power to establish and open new streets, alleys and avenues, to widen those already established, to fix the width of sidewalks, and generally to pass and enforce all ordinances necessary to make wide and convenient streets and avenues; subject, however, to pay property holders for any ground taken for such purposes, for any damage done them, to be determined, under oath, by three disinterested freeholders of the city, to be appointed by the mayor. In making such appraisement, the appraisers shall take into consideration the advantages as well as the damages to be done the property of any property holder by widening streets, avenues or alleys, or opening and establishing new ones; and in case of awards in favor of any property holder, should there be no funds in the city treasury to pay the same, it shall be lawful for the mayor, under authority of the council, to issue to the party or parties interested warrants on the city treasurer for the amount awarded, which warrants shall draw iterest at the rate of ten per cent. per annum, and shall be made payable at farthest within twelve months; and when so issued and tendered to the interested party or parties, it shall be lawful for the mayor to have the street, avenue or alley opened or widened, as the case may be.

Sec. 23. That it shall lawful for the city council, at any time after the passage of this act, by a duly enacted ordinance, to dispense with and abolish the offices of city attorney and city engineer, or either of them; provided, that in no case tried before the mayor or city court, where the defendant or accused pleads guilty, shall the city attorney be allowed any fee, to be taxed against the defendant; and provided further, that it shall be

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unlawful for any fee to be taxed in favor of the mayor or officer trying any person or persons under the laws of said city, as the result of conviction, the clear intent and meaning of this act being that no judicial officer shall be pecuniarily interested in the result of his own decision; but this shall not prevent the taxing of costs to mayor for issuing writs, subpoenas or other process, according to the laws of the State in similar cases before justices of the peace.

Sec. 24. That the city council of said city shall be and are hereby authorized to pass all necessary ordinances to provide for funding the whole or any part of the existing debt of the city, or of any future debt, by canceling the evidences thereof and issuing to the holders or creditors notes, bonds or treasury warrants, with or without coupons, bearing interest at any annual rate not to exceed ten per cent. The council shall also provide by ordinance for issuing the bonds of the city, in such sums as may be agreed upon, for railroad subsidies heretofore voted, or that may be hereafter voted in accordance with the laws of the State.

Sec. 25. That the city council, by a vote of a majority of the whole number of aldermen, taken by yeas and nays, and entered upon their journal, may levy, assess and collect an annual direct tax upon all property, real and personal, situated and being within the corporate limits of said city, or any capital, money or funds used as a basis of operations for any trade or business carried on within the limits of said city, not exceeding three-fourths of one per centum ad valorem for the year 1873, and after that not exceeding one-half of one per cent.; also, an annual poll tax of one dollar upon each and every male person within the corporate limits of said city over the age of twenty-one years, paupers and persons of unsound mind excepted.

Sec. 26. That the city council of the city of Dallas shall have power to appropriate so much of the revenues of the city, emanating from whatever source, for the purpose of retiring and discharging the accrued indebtedness of the city, and for the purpose of improving the public markets and streets, erecting and conducting city hospitals, city hall, etc., as they may from time to time deem expedient; and, in furtherance of these objects, they shall have power to borrow money upon the credit of the

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city, and issue coupon bonds of the city therefor, in such sum or sums as they may deem expedient, to bear interest not exceeding ten per cent. per annum, payable semi-annually, at such places as may be fixed by city ordinance; provided, that the aggregate amount of bonds issued by the city council shall, at no time, exceed six per cent. of the value of the property within said city subject to ad valorem tax.

Sec. 27. All bonds shall specify for what purpose they were issued, and shall not be invalid if sold for less than their par value; and when any bonds are issued by the city, a fund shall be provided to pay the interest and create a sinking fund to redeem the bonds, which fund shall not be diverted, nor drawn upon for any other purpose; and the city treasurer shall honor no draft on said fund, except to pay interest upon, or redeem the bonds for which it was provided.

Sec. 28. Said bonds shall be signed by the mayor and countersigned by the secretary, and payable at such places, and at such times as may be fixed by ordinance of the city council, not less than ten nor more than thirty years.

Sec. 29. It shall be duty of the mayor, whenever any bond or bonds are issued, to forward the same to the Comptroller of the State, whose duty it shall be to register said bond or bonds in a book kept for that purpose, and to endorse on each bond so registered, his certificate of registration, and to give, at the request of the mayor, his certificate, certifying to the amount of bonds so registered in his office up to date.

Sec. 30. That it shall be the duty of the mayor, at the time of forwarding any of said bonds for registration, to furnish the Comptroller with a statement of the value of all taxable property, real and personal, in the city; also, with a statement of the amount of tax levied for the payment of interest, and to create a sinking fund. It is hereby made the duty of the Comptroller to see that a tax is levied and collected by the city sufficient to pay the interest semi-annually on all bonds issued, and to create a sinking fund sufficient to pay the said bonds at maturity, and that said sinking fund is invested in good interest bearing securities.

Sec. 31. That all laws and parts of laws contrary to the provisions of this act be and are hereby repealed;

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and that this act shall take effect and be in force from and after its passage.

Approved March 8th, 1873.

CHAPTER XXI.

An Act to amend "An Act amendatory of and supplementary to an Act to Incorporate the City of Dallas," approved April 20th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section twelve of the above recited act be, and is hereby amended so as to read as follows: Sec. 12. That every male citizen of said city, who shall have resided therein sixty days next preceding an election, being a citizen of the United States, and a legal voter in the State of Texas, shall be entitled to vote at all elections under this charter; but each voter shall vote only in the ward wherein is his domicil[e], or in which, having no fixed domicil[e], he lodges.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved March 10th, 1873.

CHAPTER XXII.

Supplement to an act entitled "An Act to Incorporate the Western Narrow Guage Railway."

Section 1. Be it enacted by the Legislature of the State of Texas, That an extension of twelve months from the passage of this supplement, be extended to the "Western Narrow Guage Railway Company," for completing the various sections of the road.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed March 11th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the thirteenth day of March, A. D. 1873, and was not signed by him, or re-

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turned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XXIII.

An Act to Incorporate the Excelsior College, in Bastrop County.

Section 1. Be it enacted by the Legislature of the State of Texas, That for the management and control of an institution of learning, located in the town of Bastrop, in Bastrop county, to be styled "The Excelsior College," G. W. Jones, C. B. Garwood, D. W. Jones, A. J. Batts, J. B. Fowler, H. H. Starckie, C. Erhard and C. Taylor are hereby constituded a board of trustees for said college, and that they, and their successors in office, are made a body corporate, capable in law of suing and being sued, holding and alienating property, real or personal.

Sec. 2. That said board of trustees shall have succession, may have a common seal, may hold property to the amount of one hundred thousand dollars, may establish a course of studies, employ teachers, grant diplomas or certificates of scholarship, and do all other things necessary and incident to the maintenance and promotion of good morals and sound learning, not inconsistent with the Constitution and laws of the United States and of this State.

Sec. 3. Said board of trustees shall be elected annually by the stockholders of said college, at such times and under such regulations as may be prescribed by said stockholders.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 13th, 1873.

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CHAPTER XXIV.

An Act to prohibit the sale of Intoxicating or Spirituous Liquors in the vicinity of Red Rock, in the County of Bastrop.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons to sell intoxicating liquors within two miles of Red Rock Male and Female Academy, situated at the town of Red Rock, in Bastrop county, except for medicinal or sacramental purposes.

Sec. 2. That any person or persons violating the provisions of the preceding section of this act, shall, upon conviction, be fined in a sum not to exceed twenty-five dollars for every such offense.

Sec. 3. That this act take effect and be in force sixty days from and after its passage.

Approved March 14th, 1873.

CHAPTER XXV.

An Act to Incorporate Rusk Masonic Institute, located in Rusk, Cherokee County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That an institution of learning, heretofore located and now in operation at Rusk, in Cherokee county, Texas, be and the same is hereby incorporated by the name of Rusk Masonic Institute; and R. H. Guinn, C. C. Francis, J. T. Wiggins, J. J. Mallard, Thomas E. Hogg, T. L. Philles, M. H. Bonner, and their successors in office, are hereby constituted a body corporate and politic, under the name and style of "The Trustees of Rusk Masonic Institute," to have charge of the interests of said institution; by which name they shall have succession, and be capable, in law, to sue and be sued; to plead and be impleaded; to contract and be contracted with; to enact by-laws, rules and regulations; to manage and control all property acquired and set apart for school purposes by Cherokee Chapter No. 11, Royal Arch Masons, and Euclid Lodge No. 45, Free and Accepted

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Masons, as trustees of the said bodies; and generally, to do and perform whatever, in the opinion of said board, will advance the interests of said institution, without being inconsistent with the provisions of this charter, or with the laws of the land.

Sec. 2. That the present board of trustees shall hold their office until the first day of July, 1873, or until their successors are appointed and qualified; and annually thereafter, at the stated meetings of said chapter and lodge in May, or as soon thereafter as practicable, seven trustees shall be appointed by said bodies; three by said chapter and three by said lodge, and one by the joint action of the two bodies, who shall enter upon the discharge of the duties of their office on the first day of July following, and hold their office for one year, and until thier successors are appointed and qualified. In case of a vacancy in the board, occurring by death, resignation or otherwise, the vacancy shall be filled by the body making the appointment.

Sec. 3. That the board of trustees shall have a common seal for the transaction of its business, which shall be in the custody of the secretary of the board; and the board shall have the direct control over the management of the said institute, but the said chapter and lodge shall have a general advisory supervision of the same; and said board shall, once in each year, and oftener if required, report to said bodies the condition of said institute, with such details as may be necessary to understand its working and prospects.

Sec. 4. That the faculty of said institute shall consist of a superintendent and such professors and tutors as the board of trustees may deem necessary, who shall be appointed, and may be removed, and whose salaries shall be fixed by the board of trustees.

Sec. 5. The said institute shall consist of both male and female departments, and such other departments as the board of trustees may, from time to time, deem proper.

Sec. 6. That the board of trustees shall elect from its own number a chairman, secretary and treasurer, who shall hold their offices for such time, and shall respectively perform such duties, and be subject to such orders, rules, restrictions and obligations as may be prescribed by the board; but all contracts and obligations shall have

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the sanction of the board, and shall be signed by the chairman, and attested by the secretary, with the seal of the board affixed; or by the agents of the board, regularly appointed, and thereto duly authorized.

Sec. 7. That the board of trustees shall meet on its own adjournment, but meetings may be called by the chairman, with the concurrence of one other member thereof, or by two members of the faculty. A majority of the board shall constitute a quorum for the transaction of all business, except the election or removal of a member of the faculty, which election or removal shall require the vote of at least five of the members. The meetings of said board shall be held at the institute, or at such other place in the town of Rusk as a majority of the members of the board may elect.

Sec. 8. That the board of trustees shall have power to suspend or expel any of its members for grossly immoral or disreputable conduct, or for continued and willful neglect of the duties incident to his position; to do this, however, it shall require a two-thirds vote of the members of the entire board, and the reasons for such action shall be entered in full upon the minutes of the board.

Sec. 9. That the board of trustees, acting in conjunction with the faculty, shall have power to confer such degrees upon graduating students, and upon other deserving persons, as are usually conferred by institutions of learning of like grade, and to give diplomas or certificates thereof, in such form as they may deem proper.

Sec. 10. The property set apart by said chapter and lodge for the benefit of said institue, is hereby declared to be exempt from both State and county taxation, as long as it is used exclusively for educational purposes.

Sec. 11. This act of incorporation, and this charter for said institute, shall remain in full force and effect until said trustees, or their successors, shall neglect or refuse to maintain, in said institute, a school organization during the usual scholastic months of any year; provided, that the said chapter and lodge, in case of a lapse of this charter, or the failure of the trustees to maintain a school as above, shall have power to revive the same by reorganizing the board under the provisions of this charter.

Sec. 12. That nothing in the foregoing provisions of this charter shall prevent the said chapter and lodge from withdrawing from the control of the said board of trustees

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any property set aside for the benefit of said institute, and disposing of it as they may deem proper.

Sec. 13. That this act shall take effect from and after its passage.

Approved March 14th, 1873.

CHAPTER XXVI.

An Act to prohibit the sale of Intoxicating or Spirituous Liquors within one mile of the Institution of Learning situated at Caledonia, in Rusk County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons to sell or give away any spirituous or intoxicating liquors, except for medicinal or sacramental purposes, within one mile of the institution of learning situated in Caledonia, in Rusk county, Texas.

Sec. 2. That any person or persons violating the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum not less than ten nor more than fifty dollars for each and every such offense.

Sec. 3. That in order to permit the sale of intoxicating or spirituous liquors within the limits prescribed in section one of this act for medicinal purposes, it shall be necessary for the person selling the same to demand and receive from the person to whom the sale shall be made a written prescription from a practicing physician, which prescription shall contain a certificate on honor from such physician that the same is for medicinal purposes.

Sec. 4. That this act take effect from and after its passage.

Approved March 14th, 1873.

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CHAPTER XXVII.

An Act to prohibit the sale or distribution of spirituous, vinous liquors within two miles of Leesburg Institute, in Upshe[u]r County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person, with or without license, to sell, give away, or in any manner dispose of any intoxicating or spirituous liquors, except for medicinal or sacramental purposes, within the distance of two miles of Leesburg Institute, in Upshe[u]r county, Texas.

Sec. 2. That any person violating this act shall, on conviction thereof before any justice of the peace of said county, be fined in a sum of not less than ten nor more than one hundred dollars for each and every offense.

Sec. 3. That one-half of any fine thus collected shall go to the informer, and the other half shall be paid into the common school fund of the county.

Sec. 4. That this act take effect and remain in force as long as said institute shall remain an organized institution of learning, and shall maintain the same during the usual scholastic months of any one scholastic year.

Approved March 14th, 1873.

CHAPTER XXVIII.

An Act to prohibit the sale or disposition of spirituous, vinous or other intoxicating liquors within three miles of the Town of Leesburg, in Gonzales County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person to sell, or otherwise dispose of, any spirituous, vinous or other intoxicating liquors within three miles of the town of Leesburg, in Gonzales county, except on the certificate of some practicing physician for medical purposes.

Sec. 2. Any person violating the provisions of the first section of this act shall, upon conviction before any

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court of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars for each and every offense.

Sec. 3. This act shall take effect and be in force within thirty days from and after its passage.

Approved March 15th, 1873.

CHAPTER XXIX.

An Act for the relief of the Eastern Texas Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Eastern Texas Railroad Company, a corporation incorporated by the laws of this State, shall have sixty days from and after the twentieth day of March, A. D. 1873, within which to complete and put in running order the first fifty miles of its said road.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 19th, 1873.

CHAPTER XXX.

An Act reimbursing Bastrop County, and appropriating the sum of Two Hundred and Twenty-five Dollars for that purpose.

Whereas, the clerk of the District Court of Bastrop county did, on the 24th day of April, 1872, pay into the State treasury the sum of two hundred and twenty-five dollars, that being the amount recovered upon a forfeited bail bond in the District Court of said county, in a certain suit, wherein the State of Texas was plaintiff and John D. Nash and others defendants.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State of Texas is directed to pay to the treasurer of Bastrop county the sum of two hundred and twenty-five dollars for the use and benefit of said county, out of any moneys not otherwise appropriated; provided, the receipt of said treas-

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urer, executed and delivered to R. F. Campbell, be returned to said treasurer.

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XXXI.

An Act to incorporate the Teutonia Association of Fayette County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. Leuders, C. H. W. Helmcamp, V. Stadczyk, Charles Schaefer, Chs. Helmcamp, Wm. Brandes, Fr. Brandes, C. Munhe, Jun., F. Atbrecht, C. Otto, A. Mensing, J. Fietsam, A. Lampe, H. Berghahn, C. Munke, John H. Warnken, Paul Goldamwier, and their associates, all residents of Fayette county, be and are hereby created a body corporate, under the name and style of "Teutonia," for the purpose of promoting and cultivating social entertainments, gymnastic exercises and benevolent purposes, with the following privileges:

Charter of "Teutonia."

Sec. 2. That said body corporate shall be governed by their charter and their by-laws, made by the members of said association, in accordance with the laws of the State of Texas and of the United States.

Sec. 3. That the said association shall elect a president, secretary, treasurer, four trustees, and such other officers as the members of said association may deem necessary and expedient, from time to time; said officers to preside and conduct the business transactions of said association. The election of those officers to take place on the first day of January of each year.

Sec. 4. That the said association have a common seal, with the word "Teutonia" engraved on its margin; and that the said body corporate may sue and be sued.

Sec. 5. That the said association may acquire real and personal property to the extent of thirty thousand dollars,

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and be fully entitled to purchase, sell or mortgage the same.

Sec. 6. That the said body corporate be exempt from any and all State, county and municipal taxes.

Sec. 7. That their charter be and is in force for thirty years from its passage.

Approved March 21st, 1873.

CHAPTER XXXII.

An Act re-incorporating the Town of Liberty.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants of the town of Liberty are hereby constituted a body politic and corporate, with perpetual succession, by the name and style of "The corporation of the town of Liberty," and as such, they and their successors by that name, shall have, exercise, and enjoy, all the rights, immunities, powers, privileges and franchises herein granted and conferred, and may ordain and establish such acts, by-laws, regulations and ordinances, not inconsistent with the Constitution or the laws of this State, and the Constitution of the United States, as shall be needful for the government, welfare and good order of said corporation. And under the name and style of "The corporation of the town of Liberty," shall be capable of suing and being sued, impleading and being impleaded, answering and being answered, in all courts and places, and in all matters whatsoever. May take, hold, and purchase, lease, grant and convey such real and personal property as the purposes of said corporation may require; provided, a two-thirds vote of the board of aldermen shall be requisite to convey real estate; and may make, and have and use a corporate seal, and change and renew the same at pleasure.

Sec. 2. That the four original leagues of land granted to the corporation of the town of Liberty shall constitute and embrace the limits of "The corporation of the town of Liberty."

Sec. 3. The municipal government of said corporation shall consist of a town council, composed of a mayor and six aldermen, a majority of whom shall constitue a quo-

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rum for the transaction of business, unless herein otherwise specified. The other officers of said corporation shall be a secretary and treasurer, to be elected by the town council, from among their own number; also a town constable shall be appointed by the mayor and confirmed by the council. The above named officers shall hold their offices for one year, and until the qualification of their successors. An assessor and collector may be appointed by the mayor, and confirmed by the council, should the services of such an officer be needed, whose term of office shall be one year.

Sec. 4. An election shall be held at the court house of the town of Liberty on the second Monday in April A. D. 1873, and upon the first Monday in March every year thereafter, for the election of a mayor and six aldermen. Said election shall be ordered by the council or mayor, and ten days' notice thereof shall be given by publication or by posting. The town council shall appoint three judges of election, who shall open the polls and conduct said election as elections are now conducted by law, and shall make their returns to the town council in duplicate, duly certified to, and in a sealed envelope, and the town council shall issue certificates of election to the officers elect at their next regular meeting; and in the event that said council fail to meet at their next regular meeting, then the presiding justice of the county court shall open said returns in the presence of three good citizens, and issue to the officers elect their proper certificates.

Sec. 5. Thall[1] [That] all male residents, not disqualified by law, who shall have attained the age of twenty-one (21) years, and who shall have resided in said corporation for six months next preceding the election, shall be entitled to vote for mayor and aldermen of said corporation, and upon all propositions submitted to vote.

Sec. 6. Every person elected by the voters of said corporation, or appointed to fill any office, shall, before he enters on the duties of his office, take and subscribe the official oath prescribed in the Constitution of this State.

Sec. 7. The mayor of said town shall be the chief executive officer thereof, and shall have and exercise such civil and criminal jurisdiction within the corporate limits of said town as is, or may be provided by law, and the

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ordinances of said town; and the said mayor shall further exercise, and he is herein and hereby specially authorized to exercise, such civil and criminal jurisdiction within the corporate limits of said town, as is now, or may hereafter be exercised by justices of the peace, and the laws governing justices of the peace shall apply to the mayor in the exercise of said jurisdiction. And the mayor shall receive, and be entitled to demand, such fees for his services as justices of the peace are, or may be entitled to receive by law. He shall have power, whenever in his judgment the good of the corporation may require it, to summon meetings of the town council; and he shall, from time to time, communicate to that body such information, and recommend such measures, as may tend to the good government of said corporation. He shall preside over the meetings of the council, but shall have no vote, unless there be a tie, in which case he shall give the casting vote; and in case of a vacancy in his office, or of his being unable to perform the duties of his office, by reason of absence or sickness, the town council shall appoint, by ballot, by a majority of the members present, one of their number to preside over their meetings; and the alderman so appointed shall be vested with all the powers, and shall perform all the duties of the mayor, until the mayor shall resume his duties, or until the vacancy be filled by a new election. The mayor shall be required to enter into bond in the sum of five hundred dollars, payable to the "Corporation of the town of Liberty," conditioned for the faithful performance of all duties incumbent upon him; said bond to be approved by the town council, and recorded in the office of the clerk of the District Court of Liberty county.

Sec. 8. The town constable shall attend upon the mayor's court, when said court is in session, and shall promptly and faithfully execute all writs and process issued from said court; and in the execution of his duties, he shall have like power with the sheriff of the county within the limits of said corporation. It shall be his duty to arrest all disorderly persons and violators of the peace, and to preserve quiet and good order. He shall receive for his services such fees as is now or may hereafter be allowed constables by law. He shall enter into bond for the faithful performance of his duties in such sum as the town council may direct, which said bond

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shall be approved by the council, and be payable to the mayor, and duly recorded in the district clerk's office.

Sec. 9. It shall be the duty of the secretary to attend all meetings of the town council, to keep an accurate account of the proceedings thereof in a book to be provided for that purpose; he shall be the custodian of the corporate seal, and of all books and papers of said corporation; and shall perform all such other duties as may be required of him by law, or by the ordinances, resolutions or order of the council. In the event of a vacancy in his office, or his temporary absence, the council shall elect one of their number to fill his place, as is provided in case of the vacancy in the mayor's office or the mayor's absence by the terms of section seven of this act.

Sec. 10. The treasurer of said corporation shall give bond, payable to said corporation, in such amount as the council may require; said bond to be approved by the council and recorded in the office of the clerk of the District Court of Liberty county. He shall receive and safely keep all moneys belonging to the corporation, and shall pay out the same, upon the order of the mayor, attested by the secretary and approved by the council. At the end of every year he shall report the condition of the corporation finances, and shall report all receipts and expenditures quarterly; and shall do and perform such other acts and duties as the town council may require.

Sec. 11. The assessor and collector of the corporation shall make up the assessment of all property taxed by the town, and collect the taxes of every kind as the same shall become due and payable; and in the event of the non-payment of any taxes, he shall proceed to sell the property to raise the amount of taxes so due, and shall, in the performance of his duties, observe the provisions of this act, and the ordinances of the corporation, relative to the assessment and collection of taxes. He shall give bond in such sum as the council may provide, payable to the corporation, said bond to be approved by the council. He shall, at the expiration of each month, pay to the treasurer all moneys by him collected, and shall report to the town council at every quarter, all moneys so collected and paid.

Sec. 12. The town council shall meet on the second Monday in each month; the mayor shall preside, and in his absence, one of the aldermen. Petitions and remon-

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strances shall be presented to said council only in writing, and the council shall determine the rules of its own proceedings, and be the judge of the qualification of its members, and shall have power to compel the attendance of absent members, and to punish them for disorderly conduct, and with the concurrence of two-thirds of the members elected, may expel a member. The town council shall have the management and control of the finances of the corporation, and of all real and personal property belonging to said corporation, and shall have power to grant, sell and convey, by a two-thirds vote of the members present, any real or personal property belonging to said corporation, whether devoted to public use by prescription or otherwise; and deeds or titles to the land or property so granted or conveyed shall be signed by the mayor, and attested by the secretary, and duly entered upon the minutes of the council, and shall be recorded in such other manner as the purchaser may see fit. All revenues shall be devoted to the benefit and improvement of the town of Liberty, save and except in such cases as are herein specially provided for. No officer of said corporation shall receive any stated salary or emolument, save such fees or commissions as are herein provided for. The mayor and constable shall receive, and only be entitled to demand such fees as is now or may be allowed justices of the peace and constables by law. The treasurer of the corporation shall receive four per cent. upon all sums received, and four per cent, upon all sums paid out. The assessor and collector shall receive six per cent. upon all sums received, and six per cent. upon all sums paid over to the treasurer.

Sec. 13. The town council shall be authorized to levy an ad valorem tax, not to exceed one-eight of one per cent. upon all real and personal property in said corporation, and a per capita tax not to exceed one dollar upon all qualified voters in said corporation.

Sec. 14. The town council shall have power to establish, erect, construct, regulate and keep in repair, culverts, sewers, sidewalks and crossways, and to abate any obstruction or encroachment thereon. The town council shall have power to establish and erect markets and market houses, and to control and regulate market places and privileges, and to punish the opening and establishment of private markets. The town council shall have

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power to provide for the enclosing, regulating and improving all public grounds and cemetaries belonging to the corporation, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets, sidewalks or public grounds. The town council shall have power to prevent the encumbering of streets, alleys, sidewalks and public grounds with carriages, buggies, carts, hacks or wagons, or any vehicle whatever, or with boxes, lumber, fire-wood, posts, awning, signs, or any other material substance, and to compel all persons to remove weeds or filth from the sidewalks or gutters in front of the premises so occupied by them. The town council shall have the power to license, tax and regulate drinking houses, bar rooms or beer saloons, and places where intoxicating liquors are retailed; to license, tax and regulate peddlers, hawkers, pawnbrokers, keepers of theatrical or other exhibitions, shows or amusements; to license, tax and regulate or suppress ten pin alleys, disorderly houses, tippling shops, gambling houses, and houses of prostitution or as[s]ignation, and to authorize the proper officer of the corporation to grant and issue licenses, and to direct the manner of issuing and registering the same, and the fees and charges to be paid therefor. The town council shall have the power to make rules and regulations relative to butchers, and to enforce the same by fine or punishment; to license and regulate ferries; to tax, restrain and prohibit the running at large of dogs, goats and hogs, and to enforce penalties, on the owners thereof; to compel and force all offenders against any ordinance of the town, found guilty by the mayor, and sentenced to fine and imprisonment, to labor on the streets, or at any public work; to prevent and punish any person from bringing or depositing within the town limits any dead carcass, or other offensive and unwholesome matter; and shall have full power to pass and repeal, publish and amend such ordinances and regulations as shall be necessary and requisite to carry into effect the powers vested by this act of incorporation in the town government or any officer thereof.

Sec. 15. The town council shall have full power to provide, by ordinance, for the prompt collection of all taxes assessed, or imposed by this act, or herein authorized and due, or becoming due, and to that end may and shall have full power and authority to sell real as well as

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personal property; and may and shall make all such rules and regulations, and ordain and pass all such ordinances as they may deem necessary in the levying, laying, licensing, assessing and collecting of any of the taxes herein provided for.

Sec. 16. The town council shall have power to prevent and prohibit the dangerous construction and condition of chimneys, flues, fire places, stove pipes, ovens, etc., and to cause the same to be removed and placed in a secure and safe condition when dangerous.

Sec. 17. The town council shall have power to take such measures as they shall deem effectual to prevent the entrance of any pestilential, contagious or infectious disease into the corporation.

Sec. 18. All fines, forfeitures and penalties for the violation of any ordinance shall be paid into the town treasury, and all fines shall be accounted for by the treasurer.

Sec. 19. The town council shall have a right to remove any appointed officer for incompetency, malfeasance or corruption in office, after due notice, and an opportunity to be heard in person or by counsel, in his defense.

Sec. 20. The town council may prescribe any penalty, not exceeding one hundred dollars, and imprisonment not to exceed one month, for the violation of any town ordinance, and may provide that the party convicted be committed to jail, or required to work on the streets or on any public work.

Sec. 21. No person shall be an incompentent judge, justice, witness or juror, by reason of his being an inhabitant of said corporation, in any proceeding in which said town may be a party in interest.

Sec. 22. All property, real and personal or mixed, belonging to the corporation of the town of Liberty, is hereby vested in the corporation created by this act; and the officers of said corporation now in office shall, until superseded, be governed by this act from and after it takes effect.

Sec. 23. That from and after the passage of this act, an act entitled "An act to incorporate the town of Liberty, approved 1836, and to amend the charter of said corporation, approved 1866," be and the same is hereby repealed.

Sec. 24. This act and charter shall be deemed a public

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act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places; and this act shall be in force and take effect from and after its passage.

Approved March 21st, 1873.

CHAPTER XXXIII.

An Act to authorize Howard Keys and his associates to construct a Toll Bridge across the Sabine River, at Crockett's Bluff.

Section 1. Be it enacted by the Legislature of the State of Texas, That Howard Keys and his associates and successors are hereby authorized and empowered to construct a toll bridge across the Sabine river, at Crockett's Bluff, said river at that point being the line between the counties of Smith and Wood, and about twelve miles southwest of Quitman, in said county of Wood; and the above named Howard Keys and his associates and successors shall be allowed to erect a toll gate; shall have the right of way, and all other rights and privileges necessary to keep up said toll bridge, slough bridges and road, for fifteen years.

Sec. 2. That said Howard Keys and his associates shall keep said toll bridge, and road through the bottom of said river, in good repair, under the supervision of the County or Police Court of Wood county, and shall be allowed to charge the following rates of toll, and no more, to wit: For each footman, five cents; for each led horse, five cents; for each head of stock cattle, three cents; for each head of beef cattle or loose horses, four cents; for each man and horse, ten cents; for each horse and buggy, twenty-five cents; for each two-horse carriage or buggy, forty cents; for each wagon and two horses or one yoke of oxen, forty cents; for each additional pair of horses or oxen, ten cents.

Sec. 3. That said Howard Keys and his associates shall construct the said bridge from the timber and dirt owned or controlled by them, and they shall not be permitted to prevent individuals from traveling any other road than by said bridge.

Sec. 4. That if any person shall willfully fail or refuse

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to pay tolls, after crossing the said bridge, he shall be liable to forfeit and pay to the said company the sum of five dollars and cost of suit, recoverable before any justice of the peace, as in other cases.

Sec. 5. That no other toll bridge shall be constructed across said Sabine river, within three miles above nor within three miles below said bridge, nor any public ferry established within the above limits, and that said bridge shall be completed within two years from the passage of this act.

Sec. 6. That this act shall take effect and be in force from its passage.

Passed March 24th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-sixth day of March, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XXXIV.

An Act to incorporate the State Bank of Texas, Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That Leon Blum, W. L. Moody, D. C. Stone, J. D. Skinner, Isaac Burnstein, H. Kempner and W. A. Oliphint, and their associates and successors, be and they are hereby constituted and created a body politic and corporate under and by the name and style of State Bank of Texas; and under such name they may sue and be sued, and carry on and maintain any action at law or in equity to final judgment and execution; and shall be capable of purchasing, holding and improving any estate, real, personal or mixed, for the use and benefit of said corporation; provided, such real estate so held shall not exceed in amount one hundred thousand dollars, and be held and used only for such purposes of erecting thereon such offices and other buildings as may be used for the purposes of said corporation. That the

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business of said corporation shall be that of banking and exchange; and it shall be lawful for the said corporation to receive deposits, both special and general, and issue certificates therefor; to buy and sell exchanges, foreign and domestic; to loan money at interest on securities, both real and personal, and do all and generally such business acts and things as may lawfully be done and carried on by a bank of deposits and exchange, for and during the term of fifty years from the passage of the act.

Sec. 2. Be it further enacted, That the capital stock of this corporation shall not be less than five hunderd thousand dollars, of which the sum of three hundred thousand dollars may be held by persons residing out of the city of Galveston, in the different parts of the State of Texas, and in other States of this country, said capital stock to be divided into shares of one hundred dollars each and be transferable on the books of said corporation according to the rules and regulations which shall hereafter be ordained and established by the board of directors of this corporation. That no certificate of stock shall be issued to any one until the face value thereof shall have been paid in cash to the person or persons authorized to receive it.

Sec. 3. That the principal office of this corporation shall be situate in the city of Galveston, State of Texas, and all transfers of the stock shall be made on the books kept at this office, and in all suits against this corporation, service may be made on either the president or cashier.

Sec. 4. Be it enacted, That it shall be the duty of the persons or commissioners named in the first section of this act, at any time within twelve months after its passage, and when the whole amount of five hundred thousand dollars shall have been subscribed, to call a meeting of the stockholders, by giving notice in a newspaper in the city of Galveston, for at least ten days prior to the day of meeting, for the purpose of organizing said corporation by the election of thirteen (13) directors, seven (7) of whom shall reside in the city of Galveston, by a vote of the said stockholders, when each share of stock represented shall be entitled to one vote; provided, there has been paid in cash to the commissioners before mentioned, at least ten per cent. of said stock subscribed for. The

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directory shall, within thirty days after their election, proceed to perfect the organization by the election of a president, vice president and cashier, and such other officers and employes necessary to carry on the business of the same. There shall be an annual election for the board of directors on the first Tuesday of March, in each year, at the office of the corporation in Galveston, from ten A. M. to two P. M., by three (3) directors appointed by the board for holding such election. Notice shall be given ten days previous to the holding of said election, in some newspaper published in the city of Galveston, and one in Austin; and in the event of a failure to elect directors on a regular day, the board of directors shall hold over thirty (30) days, during which time the president shall give notice as aforesaid, and a new election shall be held; and in case of a second failure, the old board shall hold over one year longer, or until their successors are elected and qualified. The president and vice president, who shall be elected from the directory, shall hold office for one year, and until their successors are elected and qualified; but the other officers and employes of the corporation shall be employed for such time as the directors may elect, and be discharged and displaced at the option of the board. The election of the board of directors shall be by ballot, and each share shall be entitled to one vote, which shall be cast by the holder thereof or his attorney; provided, said share of stock shall have been in the name of said holder for thirty days preceding the election.

Sec. 5. And be it further enacted, That any vacancy, by death, or resignation or otherwise, in the board of directors, may be filled by them from the stockholders for the time which the vacancy may be made.

Sec. 6. That before the election of the officers and organization of the company, as directed in section four, the amount that may be unpaid by each subscriber to the capital stock of the company shall be secured by his promissory note executed to the company, with two or more good and sufficient securities, approved by the commissioners, or a majority of them, and made payable on the call of the board of directors of the company. And when the company shall have been organized, the said commissioners shall turn over to its officers the amounts received by them in money and notes for stock subscribed as aforesaid.

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Sec. 7. That this act take effect and be in force from and after its passage.

Approved March 25th, 1873.

CHAPTER XXXV.

An Act to authorize the County Court of Falls County to levy and collect a Special Tax for the purpose therein expressed.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Falls county be and is hereby authorized and required to levy and collect annually, a special ad valorem tax upon all property in said county subject to taxation, not to exceed twenty-five cents on each one hundred dollars value, and a special tax upon all taxable occupations or callings, not to exceed one-fourth the amount levied by the State, for the purpose of paying the debt that may be incurred by said county in building a court house and repairing the jail.

Sec. 2. That said tax be levied and collected as other taxes, from and after the first day of January, A. D. 1873, and for every year thereafter, until said debt is fully paid and discharged; and that this act take effect and be in force from and after its passage.

Passed March 25th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the twenty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER XXXVI.

An Act to amend an Act entitled "An Act Incorporating the Galveston Artillery Company," approved January 30th, 1841.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Galveston Artillery Company, incorporated by an act of the Congress of the Republic of Texas, approved January 30th, 1841, shall have power to sue and be sued, plead and be impleaded, answer and be answered unto; to have a seal, with whatever design it may please; to ordain and establish by-laws for the government and regulation of its affairs, and the same to alter and amend at will, and to hold real and personal property, and to dispose of the same. Said company shall not consist of less than thirty-two men, nor of more than one hundred and fifty; and shall have such officers as the by-laws may, from time to time, designate who shall be selected in the mode prescribed by the by-laws. All those portions of section one of said act of incorporation that conflict with this section, are hereby repealed.

Sec. 2. Be it further enacted, That whenever the commissioned officers of said company shall be selected in accordance with the by-laws, they may apply to the Governor of the State for commissions, and upon such applications, it shall be the duty of the Governor to issue to them commissions as officers of the "Galveston Artillery Company;" provided, that if from any cause they fail to get such commissions, they shall, nevertheless, be commissioned officers of said company under its charter and by-laws, the same as if they had received commissions.

Sec. 3. Be it further enacted, That said company shall be entitled to, and receive from the the State all such arms, ammunition and equipments as may be necessary for drills, parades, target practice and service, so as to enable it to be at all times in a state of efficient readiness; and the requisition therefor, made by the acting captain of said company upon the Governor or his Adjutant General, shall be filled out of any military supplies that the State may own, or may be entitled to from the general government; provided, such requisition be not excessive, which is to be adjudged by the Governor; and that the members

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of said company shall be jointly and severally liable for the loss or destruction of such arms, ammunition and equipments, caused by negligence in the use or care of the same; for which suit may be instituted by the State in any court of the city of Galveston of competent jurisdiction.

Sec. 4. Be it further enacted, That the commanding officer of said company, as soon as practicable after the annual meeting in each year, shall furnish to the proper department of State a full list of all the active officers and members of said company.

Sec. 5. Be it further enacted, That said company shall only be liable to such military duty as contemplated by the original act of incorporation, and shall be exempt from all militia duty and drills, and from all battallion or regimental reviews or inspections.

Sec. 6. Be it further enacted, That said company shall have power to impose and collect such fines, [dues] and assessments as may be provided for by its bylaws. All fines, dues and assessments, may be collected by a warrant issued by the secretary, and endorsed by the commanding officer, with the company's seal affixed; and the sheriff or any of his deputies, or any constable of Galveston county is empowered to levy said warrant, and coerce the payment under the law of the State that governs executions in civil causes. Said company shall also have the power in its by-laws, to provide for the punishment of offenses by fines, reprimand, suspension or expulsion.

Sec. 7. Be it further enacted, That said company may provide for honorary members, as distinguished from active members, who shall be subject to such rules and regulations, and to the payment of such dues and assessment as the by-laws and resolutions of the company may determine.

Sec. 8. Be it further enacted, That all active members of said company, who are in good standing, and not in arrears, shall be exempt from jury duty.

Sec. 9. Be it further enacted, That in case of invasion of the State by a public enemy, that said artillery company shall be subject to the control of the military authority of the State; provided, the company shall not be ordered to any point out of the county of Galveston.

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Sec. 10. Be it further enacted, That this act take effect and be in force from and after its passage.

Passed March 27th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the 31st day of March, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XXXVII.

An Act to authorize the Building of a Free Public Bridge across Big Cypress, in the Corporate Limits of the City of Jefferson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the city of Jefferson, or the inhabitants thereof, be and are hereby authorized to build a free public bridge across Big Cypress, within the corporate limits of said city.

Sec. 2. That the said bridge, when built, shall be a public highway for the convenience of the public; and the city of Jefferson shall be authorized to take for this purpose any leasement, incorporeal hereditament, franchise, right, or any property, real or personal, that may be necessary, first making due compensation therefor to the owners thereof; and if it shall be necessary to condemn for this purpose any right, franchise, hereditament, or other property, real or personal, the said city shall be governed by the provisions of the second section of "An act supplementary to an act and amendatory of an act to regulate railroad companies, approved December the 19th, 1857," and an act amendatory thereof, approved the 28th of November, 1871, so far as the same are applicable.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved March 28th, 1873.

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CHAPTER XXXVIII.

An Act to incorporate the Town of Quitman, in Wood County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Quitman, Wood county, be, and they are hereby declared a body politic and corporate, under the name and style of the "Corporation of the town of Quitman;" by which name they may sue and be sued, plead and be impleaded, and acquire and hold real and personal property within the limits of said corporation, and at their pleasure sell and dispose of the same.

Sec. 2. That the limits of said corporation shall extend one mile in a square, so laid off as to leave the public square in the centre of said corporation.

Sec. 3. That it shall be the duty of the citizens, qualified voters under the Constitution and laws of this State, who reside in the foregoing territory, to elect a mayor, five aldermen, a constable and a recorder, and that said election shall be held within sixty days from and after the passage of this act, ten days notice of election being given; that the presiding justice shall direct said election, appointing suitable citizens to act as judges, and shall give the notice required in this act; that annually, from the date of said election, the mayor shall give ten days notice, and order election of successors in office. In case of vacancy by death, resignation, or otherwise, the mayor and aldermen shall elect to fill such vacancy.

Sec. 4. That the mayor and board of aldermen of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police and the preservation of order within the limits of said corporation. They shall have power to levy and collect, by ordinance, an ad valorem tax on all property, both real and personal, within said corporate limits; also, a tax on occupations, and a poll tax not to exceed one dollar in any one year, from every male citizen between the ages of twenty-one (21) and fifty (50) years, within said corporate limits, and may prescribe penalties for violation of said ordinances or by-laws; provided, that in no case shall the penalty exceed the sum of one hundred dollars ($100.)

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Sec. 5. That the mayor, with a majority of said aldermen, shall constitute a quorum for the transaction of business. They may enact and enforce such rules and regulations as they may deem necessary for the government of the said corporation; provided, that the same do not conflict with the Constitution or laws of this State; and the mayor and recorder shall have and exercise the powers of a justice of the peace in this State in criminal matters.

Sec. 6. That no person shall be eligible to hold office in said corporation or to vote for the officers thereof, unless he be a qualified elector under the Constitution of this State, and shall have resided in the limits of said corporation thirty days preceding any election which may be held in said corporation for the election of an officer or officers named in said corporation.

Sec. 7. That it shall be the duty of the mayor to cause an election to be held annually, at least ten days before the expiration of his term of office, and to fill vacancies which may occur, after giving at least ten days' notice of said election by posting notices thereof in three public places in said town, for a mayor, five aldermen, a constable and a recorder, who shall enter upon the duties of their offices, respectively, upon the expiration of the term of office of their predecessors, and compliance with the requirements of section three of this act.

Sec. 8. That in case of the failure of the mayor to order and hold such election, as specified in the foregoing section, then any three citizens who are qualified electors within the limits of said corporation may, after giving ten days' notice, order and hold said election.

Sec. 9. That this act shall take effect and be in force from and after its passage.

Approved March 28th, 1873.

CHAPTER XXXIX.

An Act amendatory to "An Act to re-incorporate the City of Navasota."

Section 1. Be it enacted by the Legislature of the State of Texas, That section six of said act shall be so amended as to read as follows: That the said city

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election shall be held on the third Monday in April, 1873, and annually thereafter on same day, for mayor and aldermen. There shall be chosen by the mayor incumbent three (3) good and competent men as managers of said election, of which appointment, and of the time and place of election, the mayor, after the first election, shall give at least ten days public notice. On the day of election the said managers shall meet at the place designated by the mayor and board of aldermen, and having appointed two clerks, and being themselves and their clerks duly sworn by the mayor, or any justice of the peace, to the faithful performance of their duties, without fear or favor, shall proceed to receive the votes for one mayor, and such aldermen as are to be elected, administering to each voter, of whose qualification there may be doubt, previously to his voting, the following oath: You do solemnly swear, or affirm, that you are qualified by the city charter to vote for officers of this city, so help you God. The managers shall hold the polls open at the place designated by the mayor and board of aldermen, from ten (10) o'clock A. M. until four o'clock P. M., and shall keep a correct list of all persons admitted by them to vote, numbering each vote, and marking each ticket with a corresponding number, as in the case of State elections. As soon after closing of the polls as practicable, they shall proceed to count the votes and shall make due returns thereof, certified under their hands and seals, which said return, together with a certified list of the persons voting, they shall envelope under seal, and transmit by one of themselves, to the mayor incumbent; the said mayor incumbent shall, within twenty-four hours after receiving the said returns, call together the board of aldermen, who shall in public meeting proceed to open the returns and decide upon the election; he having received the greatest number of votes for mayor being declared elected mayor, and the person having received the highest number of votes for alderman being declared elected alderman; in accordance therewith the mayor incumbent shall deliver to the mayor and aldermen elect the certificates of their election, under his hand and seal of the city; and in case the mayor incumbent be absent, indisposed, or for any other reason unable, or refuse to receive said returns or having received the same, neglect to call a meeting of the

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board of aldermen; or having called a meeting thereof, the said board shall not meet, or having met within the time prescribed, shall not open the returns and declare the election; then in either case the election shall not be void, but the managers shall make out duplicate returns of said election, and having certified, sealed and enveloped the same as before, shall transmit them to the county judge of the county, who shall forthwith proceed to determine the election, and deliver the certificates of the same, under his hand and official seal, to the person entitled, in the same manner as the board of aldermen and mayor should have done.

Sec. 2. The mayor and aldermen elect shall, on the first Monday after their election, or as soon thereafter as practicable, be regularly installed into their offices. Should any of the managers of the election fail to attend at the proper time and place, the one or two who may be present shall select from among the bystanders a suitable person or persons to fill the vacancy so occasioned; and should none of said managers be present, then the bystanders (being voters), shall themselves select three suitable persons to conduct said election, who shall proceed to hold the election and make returns thereof, in the same manner as the regular managers should have done, had they been present. The said elected mayor and aldermen, before entering on the duties of their offices, shall take and subscribe to the same oaths which are administered to the county officers, before the incumbent mayor, county judge, or any justice of the peace of the county.

Sec. 3. That section twenty-four shall read as follows: To defray the expenses of said city, the said board of aldermen are hereby fully authorized and empowered to impose a direct property and license tax upon all such persons, property and employments as are liable to taxation under the Constitution and laws of the State, and to make and execute all laws necessary to enforce the collection of the same; provided, nevertheless, that no property tax (unless for special purposes, and then not to exceed the one-half of one per cent.) shall for any one year exceed the one-half of one per cent. of the value of the property, nor shall any tax be levied without the concurrence of two-thirds of the whole board in its favor.

Sec. 4. That section fifth of said act is hereby re-

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pealed; and this act shall take effect and be in force from and after its passage.

Approved March 28th, 1873.

CHAPTER XL.

An Act for the Relief of John H. Jenkins.

Whereas, John H. Jenkins was a volunter in the army of the Republic of Texas prior to the battle of San Jacinto; and

Whereas, He continued to serve as such until honorably discharged the service; and

Whereas, The said John H. Jenkins, by reason of said service, was entitled to twelve hundred and eighty (1280) acres of land; and,

Whereas, He has never received the same;

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to the said John H. Jenkins a land certificate for twelve hundred and eighty (1280) acres of land.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed March 28th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-ninth day of March, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XLI.

An Act for the Relief of the heirs and assigns of Haynes Crabtree, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That headright certificate No. 699, issued

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by the board of land commissioners of Red River county, August the 3d, 1838, to Haynes Crabtree, be and the same is hereby legalized and confirmed.

Sec. 2. That the titles to all lands heretofore patented by virtue of said certificate No. 699, be and the same are hereby validated and confirmed in the heirs and assigns of the said Haynes Crabtree, deceased.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed March 28th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of April, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XLII.

An Act authorizing the Patenting of a certain Bounty Warrant therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized to issue patent on bounty warrant number 1421, dated December 2, 1853, issued by the Adjutant General as a duplicate of number 2993, granted to John Hayman, as though the same had been presented and approved by the Commissioner of Claims.

Sec. 2. That this act take effect from its passage.

Passed March 28th 1873.

Note.—[The foregoing act was presented to the Governor of Texas for his approvel on the second day of April, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature—James P. Newcomb, Secretary of State.]

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CHAPTER XLIII.

An Act to authorize the County of Gonzales to build a Bridge across the Guadalupe River, at or near the Town of Gonzales.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Gonzales be and is hereby authorized and empowered to build a bridge across the Guadalupe river, at or near the town of Gonzales, in such site as may be selected under the direction of the County Court of said county, as suitable for said bridge.

Sec. 2. That the County Court of Gonzales county be and is hereby authorized and empowered to condemn sixty feet of ground, from the town of Gonzales to the site selected for said bridge on the river, and the banks of said river, at the said site for said bridge, selected as aforesaid, and sixty feet of ground from the site of said bridge to the county road on the west side of the river, for a public highway, and to condemn all franchises, rights and privileges, that now exist and that conflct with the object of this act, if in the judgment of said County Court it is deemed necessary for the carrying out the object of this act, and in the manner hereinafter provided.

Sec. 3. That the County Court of Gonzales county, if it deems it necessary to condemn any land for a highway, or any franchise, right or privilege, that may exist as an obstruction to the building of the bridge contemplated by this act, shall cite the owner of said land, franchise, right or privilege, as the case may be, to be and appear before said County Court, on a day named in said citation, not less than five days after the day of service of said citation, to show cause why said land, franchise, right or privilege should not be condemned to public use. And the said County Court shall also issue a venire to the sheriff of said Gonzales county, returnable on the same day with the citation aforesaid, commanding him to summon twelve citizens of Gonzales county competent to sit as jurors according to the rules of practice in the District Court, who shall be sworn to assess the damages that shall accrue to the owner of said land, franchise, right or privilege, by reason of the condemnation of the same to public use.

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Sec. 4. That the said County Court, with said jury, shall proceed to try the assessment of damages to the owner of said land, franchise, right or privilege; and in said trial shall conform, as near as practicable, to the rules of practice in civil cases in the District Court, with the same right of challenge to jurors, both to the county and to the owner of the property. And the said County Court shall cause to be entered of record, in the proper record book of the county, their judgment of condemnation of said land, franchise, right or privilege, with an accurate description of the same, together with the name of the owner thereof, which said judgment of condemnation shall be read to the jury as the issue submitted to them. And the said County Court shall cause the verdict of the jury, when returned, to be recorded in the same record book with the judgment of condemnation, and shall, upon said verdict, render a judgment against the county of Gonzales, and in favor of the owner of said land, franchise, right or privilege, for the sum of money found by said verdict of said jury, to be the amount of damages due said owner of said land, franchise, right or privilege, by reason of the condemnation of the same. And said judgment so recovered shall be a valid subsisting judgment in favor of the party for whom it is rendered, and against the county of Gonzales, and shall be paid and satisfied in the manner hereinafter provided.

Sec. 5. That the County Court of Gonzales county be, and is hereby authorized and empowered to issue the bonds of said county, for a sum not to exceed thirty thousand dollars, bearing interest at ten per cent. per annum from the date thereof, payable in installments, at not less than one year, nor more than ten years from the date thereof, to the builder of said bridge, in payment and satisfaction for the building and construction of said bridge.

Sec. 6. That the said County Court of Gonzales county be and is hereby authorized and empowered to levy a tax, not to exceed one-half of one per cent., annually, on all the taxable property within the county of Gonzales, which shall be collected at the same time and in the same manner as the State and county taxes, which tax, when collected, shall be appropriated by said county court as follows, to-wit: First, to the payment of any judgment for damages that may be awarded to

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any party, by the verdict of a jury, in accordance with the provisions of this act; second, to the payment of the interest on the bonds of the county, issued in accordance with section six (6) of this act, and two per cent. as a sinking fund for the redemption of the principal, as prescribed by the Constitution; third, to the payment and satisfaction of said bonds. And said tax shall continue to be levied annually until all indebtedness incurred in the building of said bridge is paid and satisfied.

Sec. 7. That said bridge shall be constructed in a durable and substantial manner, upon stone abutments and piers, above the highest water mark on said river Guadalupe; and when completed shall be free to all passengers, wagons and vehicles of every kind whatsoever, and to all kinds of stock the owners of which may desire to cross said bridge; provided, that whenever the County Court of Gonzales county may deem it expedient, it may assess against non-residents of Gonzales county such a rate of toll for passengers, wagons, carriages and other vehicles, and stock as shall be reasonable. And said rates of toll shall be fixed by the county court whenever they may determine to demand said tolls, and shall be posted at each entrance of said bridge as against "non-residents" of Gonzales county.

Sec. 8. The County Court of Gonzales county be and are hereby constituted the supervisors of said bridge, to control and manage the building of the same, either by themselves or their appointees, and to receive the same from the hands of the builder; and to control and manage the same after it is completed in the manner which to them may seem most advantageous to the public good.

Sec. 9. That this law shall take effect and be in force after its passage.

Approved March 28th, 1873.

CHAPTER XLIV.

An Act in aid of the Financial Condition of Cameron County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Cameron county be and is hereby authorized and required to

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levy a county tax for the use and benefit of said county, on all subjects of taxation by the State within said county, equal to the amount levied by the State on such subjects, respectively, and payable in United States currency, or the audited scrip of said county, at the option of the tax payer.

Sec. 2. Be it further enacted, That the County Court of said county be and it is hereby authorized and required to levy and collect a license tax on the franchise of running and operating a ferry across the Rio Grande, in front of the city of Brownsville, of one thousand ($1000) dollars per year, and payable in the lawful currency of the United States, on the issuance of the license therefor; said fund to be devoted by the County Court of said county, first, to the payment for the necessary books and stationery for the use of said county, including the District Court of said county, not exceeding for these objects the sum of one hundred ($100) dollars per year; second, to the payment of interest on the funded debt of said county; provided, that the legality of funding said debt is not hereby sanctioned; and provided further, that the County Court of said county shall not audit, pay, or allow any office rent for any of the officers of said county, except for the office of the district clerk; and provided further, that the coupons of the county bonds herein provided for, and the bonds themselves, may be received as other audited county scrip of said county, in payment of the tax in the first section of this act provided for.

Sec. 3. That any number of persons, being the owners of a piece of said scrip, or of one of said bonds, may unite in paying the same for their taxes, amounting in the aggregate to the amount of said scrip or bond, or near the same; and if in the payment of such taxes there shall remain a balance of said scrip or bond, in favor of said tax payers, the collector of taxes shall repay to them in the scrip of said county, or give them a certificate therefor, receivable in payment of said tax, or payable in the scrip of said county.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved March 29th, 1873.

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CHAPTER XLV.

An Act to authorize the County Court of McLennan County to levy a Special Tax for the purpose of building a Court House and Jail, and to provide for the safe keeping and disbursement of Revenue arising therefrom.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of McLennan county be and is hereby authorized to levy a special tax during each of the years 1873, 1874 and 1875, upon all taxable property in said county situate, and all taxable occupations or callings therein pursued and carried on, not to exceed the sum of one-third of one per centum ad valorem upon property, and one-third the amount of State tax upon occupations or callings, for any one of said years, which tax shall be levied and collected as are all other county taxes, when collected shall be applied exclusively to the erection of a court house and jail for said county at Waco, the county seat thereof.

Sec. 2. That the county treasurer of said county shall, when required so to do by the County Court thereof, give a bond payable to the said County Court, and their successors in office, for the use of the county, with at least two good and sufficient securities, to be approved by a majority of the members of said court, in such sum as the said court may deem necessary, conditioned that he shall faithfully keep said money raised by said tax, and pay over the same as by said court directed; which bond shall be filed with the district clerk of said county.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 29th, 1873.

CHAPTER XLVI.

An Act to authorize the County of Dallas to issue Bonds.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Dallas county, for the purpose of securing the necessary funds to com-

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plete the court house now in process of erection in the city of Dallas, be and is hereby authorized to issue interest-bearing coupon bonds of the county, payable in twenty years, in the whole not to exceed forty thousand dollars; said bonds to be issued respectively for any amount, from one hundred dollars, in even hundreds, up to one thousand dollars; they shall bear an annual interest of ten per centum, which shall be payable semi-annually, either in the city of Dallas, Galveston, or New York, as said County Court may in said bonds respectively elect and designate.

Sec. 2. That before placing any of said bonds on the market for sale, they shall be signed first by the presiding justice, and countersigned by the district clerk of Dallas county, with the seal of the district court impressed thereon, and by said presiding justice forwarded to the Comptroller of the State to be countersigned by him, with a certificate from him setting forth the amount of taxable property in Dallas county, according to the returns in his office, the total indebtedness of the county as certified to him by the presiding justice and district clerk thereof, and the whole amount of bonds issued under this act. The semi-annual ten per cent. coupons shall be attached to each of said bonds.

Sec. 3. That to meet the interest on said bonds and create a sinking fund for the final redemption of the principal, said County Court of Dallas county be and is hereby authorized to have levied and collected annually a tax on the taxable property within the county of not exceeding one-fifth of one per cent.; provided, that the levy for each succeeding year shall be no more, according to the assessment of the then preceding year, than may be necessary to meet the current interest for the year, and set apart a sinking fund which at the maturity of the bonds shall be sufficient to pay the whole of the principal.

Sec. 4. That the amounts annually collected as a sinking fund may be invested from time to time by the county court in any manner deemed advisable by the county court; provided, the same be secured by mortgages or legal liens on real estate within the city or county of Dallas.

Sec. 5. That after the sale of said bonds, this act shall be irrepealable until the whole of said bonds shall be redeemed and paid off according to their face; provided,

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that the county court may at any earlier time redeem any or all of said bonds, with the consent of the holder or holders thereof, but not otherwise.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Approved March 29th, 1873.

CHAPTER XLVII.

An Act to authorize the County Court of Goliad County to levy and collect a Special Tax for the purpose of Building a Court House.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Goliad county be and they are hereby authorized to levy and collect a special tax upon all the taxable property of said county, not to exceed one dollar upon the hundred dollars of valuation, for the purpose of building a court house in said county.

Sec. 2. That this act shall be in force and take effect from and after its passage.

Approved March 29th, 1873.

CHAPTER XLVIII.

An Act Supplementary and Amendatory to an Act entitled "An Act to incorporate the Galveston Medical College Hospital," approved May 31, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name and style of this corporation shall be "Texas Medical College and Hospital," and located at the city of Galveston.

Sec. 2. Be it further enacted, That Ashbel Smith, M. D., J. M. Haden, M. D., W. S. Rogers, M. D., J. C. Massie, M. D., J. T. Heard, M. D., Greenville Dowell, M. D., J. M. Callaway, M. D., of Galveston county; R. Flewellen, M. D., of Washington county; R. A. Watkins, M. D., of Navarro county; J. H. Webb, M. D., of Brazos county; W. A. East, M. D., of Travis

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county; Geo. W. Cupples, M. D., of Bexar county; A. N. Denton, M. D., also of Bexar county; B. S. Shelburn, M. D., of Collin county; M. D. K. Taylor, M. D., of Marion county; W. H. Pyle, M. D., of Kaufman county; J. D. Rankin, M. D., of Limestone county; H. C. Ghent, M. D., of Port Sullivan; J. A. Allen, M. D., of Navarro county; Leonidas Hudspeth, M. D., of Harris county; D. H. Stuart, M. D., of Harris county; R. H. Wallace, M. D., of Waco; U. G. M. Walker, M. D., of Cherokee county; Sampson Eagan, M. D., and W. S. Rayfield, M. D., of Jefferson, Texas; and W. J. Goodman, of Tyler, Texas; the mayor and attorney of the city of Galveston, and the presiding justice of Galveston county, ex officio be and they are hereby created a board of trustees for the Texas Medical College and Hospital; and that they shall have succession, sue and be sued, plead and be impleaded, in all courts whatever; and by said corporate name and style, shall be capable in law of contracting and being contracted with, and have all the powers of acquiring, by purchase, donation or otherwise, property, both real and personal, for the purpose of establishing, in the city of Galveston, Galveston county, a medical college and hospital.

Sec. 3. Be it further enacted, That the Board of Trustees of Texas Medical College and Hospital shall, at their first meeting, proceed to elect from their number a president, vice president, secretary and treasurer, and shall have full power and authority to fill all vacancies by death, resignation or otherwise; provided, that no one shall be eligible as trustee who is not a graduate of some medical college, except those held by ex officio. That they shall establish a board of examiners, composed of seven members, who shall proceed to examine all the present professors in the Galveston Medical College who will and can stand an acceptable examination on the various branches usually taught in medical schools according to a system of concours; i. e., by written, oral and declamation; and if a majority of said board report favorably, they shall take their respective chairs; and all chairs or offices made vacant by death, resignation or otherwise, shall be filled according to the same regulation; provided, that any one, a graduate in a regular medical school, shall have the right to apply for a professorship; and provided further, notice shall be given in

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two public newspapers, for at least two months, of such vacancy, and that the same will be filled by the system of concours, or competition examination; and a majority of the board shall determine the choice.

Sec. 4. Be it further enacted, That the board of trustees shall have full power to make such by-laws, rules and regulations, &c., as they may think best for their own government and the control of "Texas Medical College and Hospital;" may elect their successors in office every two years from among their own number; may have and use a common seal; and that said board of trustees are hereby invested with power and authority, in conjunction with the faculty of Texas Medical College, to grant diplomas; and are hereby empowered and authorized to confer degrees of doctor of medicine, adeundem, honorary, and such degrees as are conferred by medical colleges in high standing, upon such persons as the faculty of Texas Medical College shall deem meritorious.

Sec. 5. Be it further enacted, That seven members, including the president and secretary, shall constitute a quorum for the transaction of any business, except the election of officers and professors, when there must be a majority of all the trustees present to constitute a quorum.

Sec. 6. Be it further enacted, That the board of trustees shall, when sufficient funds have been raised, build wards for the treatment of persons disabled by disease, or otherwise, male or female, children or adults, and to rent or lease premises until such can be purchased or built.

Sec. 7. Be it further enacted, That said board shall erect suitable buildings for clinical teaching, and rooms for general and didactic lectures on all the medical sciences; purchase a library, instruments and apparatus; establish a museum, and other things necessary for the treatment and care of all the sick, and the teaching of students in "medicine" and "surgery," "pharmacy," "chemistry," "botany," "meteorology," etc., etc., under such rules as they may enact; provided, that said faculty shall have the right to regulate the hours, time and number of the lectures, and the surgical and medical management and direction of said hospital. It is further provided that no session shall be less than four months, of six lectures each day; and that the faculty of "medi-

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cine and surgery" shall have at least seven professors, viz: "Theory and practice of medicine," "principles and practice of surgery," "obstetrics, and diseases of women and children," "materia medica and therapeutics," "anatomy," "physiology" and "chemistry;" that the school of "pharmacy" shall consist of the chairs of "chemistry," "materia medica" and "therapeutics;" that no diploma shall be issued with less than the names of seven professors signed to the same; and all students shall have the right to attend one or more of the professor's lectures, and upon satisfactory examination, shall be given a certificate of merit or proficiency of the same.

Sec. 8. Be it further enacted, That the said board shall have power to purchase real estate in or out of the city of Galveston, and erect thereon a "pest house," an "insane asylum," for the treatment of infectious or contagious diseases, such as "small pox," "cholera," "yellow fever," etc.; the restraint of insane persons who are dangerous and unruly, and require confinement and restraint.

Sec. 9. Be it further enacted, That the trustees of said college and hospital, shall, upon application of the County Court of any county in the State of Texas, admit any indigent person, being diseased or disabled, as a patient in said hospital; provided, that the charges of such indigent persons shall not exceed the sum of one dollar $(1.00) per day, for each day such patient may be treated in said hospital; and the further sum of ten dollars ($10.00) for each of such patients as may die in said hospital and be buried at its expense; and the same shall be paid by the county sending such patient, upon the proper vouchers being presented to the presiding justice of such county.

Sec. 10. Be it further enacted, That said board of trustees shall receive and treat in said hospital, also, patients or persons who may be able to pay their own expenses; also, patients from any society, club or association, under such stipulations as may be agreed upon by the persons, club, society or association sending such patient, and the trustees of said hospital.

Sec. 11. Be it further enacted, That the mayor of Galveston city and presiding justice of Galveston county, and their successors in office, shall have the power and

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authority, and are hereby authorized to give permits to all indigent persons, citizens of the State of Texas, who are sick and disabled, who are not citizens of Galveston city or county, and that the charges for the same shall be paid by the Treasurer of the State of Texas, out of any money not otherwise appropriated; provided, that the charges shall be the same of that of counties in section 9 (nine); and provided, the vouchers are approved by the mayor and presiding justice of the city and county of Galveston; and provided further, that the State shall not be liable, in any event, for charges mentioned in this section, for more than five thousand dollars per annum.

Sec. 12. Be it further enacted, That any one who will donate the sum of twenty thousand dollars, shall have the right to send one patient to said hospital, and keep and demise the same right in perpetuity; the board of trustees using only the interest on the same for their maintenance; and any one donating less sums, shall have the same privilege in proportion to the sum donated.

Sec. 13. Be it further enacted, That all sums of money donated or bequeathed by an individual, "societies," "clubs," "counties," or corporate bodies, in the State of Texas, shall be kept as an endowment fund, and only the interest used, except the sums that may be donated for the purpose of erecting buildings, purchasing books, demonstrative apparatus, etc. That all lands, goods, etc., except books, instruments and demonstrative apparatus, shall be held and converted into money; also, all moneys over and above the actual and necessary expenses of said institution, shall be used and expended for the enlargement and improvement of the said institution. That no salaries shall be paid the professors in said college, except the usual fees for the tickets of their respective chairs, and no fees shall be paid for their professional services in said hospital during the term or session of medical teaching, but every professor shall be considered a visiting surgeon or physician; and such number as may be required shall be detailed to attend said hospital daily. And the trustees, upon recommendation of the faculty, shall appoint, annually, such number of medical students as may be required to perform the duties of assistant "surgeons," "stewards," apothecaries, etc., in said hospital, under such regulations as may be adopted by the board of trustees; and that the board shall have a record kept of

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all patients admitted in the hospital department, stating their disease, age, nationality or race, occupation, sex, time in city or State, number of days in hospital, number cured, number died, number discharged, and number deserted. The books shall be open at all times for inspection to any trustee, or any person who may have relations, friends or employes in the hospital; and there shall be published, annually, a complete list of all patients treated, and such information, concerning the institution, as may be of public interest.

Sec. 14. Be it further enacted, That this act be in full force from and after its passage, for ninety-nine (99) years; and that all laws or parts of laws inconsistent with this act be and are hereby repealed.

Approved March 29th, 1873.

CHAPTER XLIX.

An Act to authorize the County of Marion to Audit and Fund the Debt of said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That James D. Todd, of said county, is hereby appointed auditor of the county of Marion, for the purposes herein stated. That said auditor shall keep an office in the city of Jefferson, in said county, for a period of not less than three months, and all the claims for money, except those created for the purposes of internal improvement and bonds already issued by said county, shall be presented to said auditor for allowance against said county, and all of said claims which are presented as aforesaid, that are found by said auditor to have been created against said county, under and by virtue of pre-existing law, and the debts proved to have been lawfully incurred and not paid, said auditor shall approve and allow; and when the same is so approved and allowed by him, he shall make a memorandum, in writing, across the face of each, showing that the same has been so approved and allowed, and the date of said approval, and shall officially sign the said memorandum, and shall register the same in a book to be kept for that purpose. That said auditor shall examine and inquire into the accounts and claims of every

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character and kind which have been created against said county since the first day of July, A. D. 1865, whether the same have been paid off or are yet due, and shall make a record of the same. He shall examine the books of the justices of the peace, county and district clerks and ascertain the amount of all fines, penalties and forfeitures which may have been assessed or charged against persons in their respective courts that accrued to the benefit of said county, and what amounts have been collected, and what amounts are yet due, and the persons who have paid, and those who yet owe the same, and shall also ascertain the kind, character and amount of all claims against said county which have been created by each of said courts respectively, and make a complete and correct account of the same, which said account shall be classified and arranged under the separate heads for which each was created. He shall also ascertain the amount of taxes collected for each year for all county purposes of every kind and description, including jail and road taxes, and all other taxes, except State and United States and city corporation taxes; and shall also ascertain the amount of jury fees which has been paid, and how all of said fines, penalties, forfeitures, taxes and jury fees which have been collected have been disposed of. And if any of said taxes, fines, penalties, forfeitures, or jury fees, or other claims, remain uncollected, or have been wrongfully appropriated, it shall be the duty of said auditor to cause such steps to be taken as may be necessary to collect the same, by suit or otherwise, for the use of said county, from such persons who owe any part thereof, or may have become liable to pay any of said funds, which have been wrongfully and illegally appropriated. All of said account shall be recorded in a well bound book, to be furnished by said county; and when completed, shall be placed with the other records of said county. Said auditor is authorized to require the present or any former county treasurer to make correct report of all the county funds which they have received, and what disposition has been made of the same. And if said treasurer, or any ex-treasurer, fail or refuse to make said report, or account for the said funds which have been received by any and each of them, said auditor shall cause suit to be brought against such treasurer and his sureties as make default as aforesaid, for the amount of said funds which such defaulter has received.

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Sec. 2. That in order to protect the interests of the said county, and the parties owning and controlling said claims said auditor is hereby invested with the power and authority given by general law of this State to the civil courts thereof, to compel the attendance of such witnesses, and the production of such papers and records as may be necessary to a full investigation of the validity, or invalidity, of the claims which may be presented; and the sheriff or any constable of said county shall execute all processes issued by said auditor to compel the attendance of witnesses or the production of papers, or records, on the day named in the process; or said auditor may appoint a special bailiff for said purpose, who shall be entitled to the fees allowed by law to said officer for serving similar writs; and whenever a claim which may be contested, and shall be disapproved by said auditor, the party owning and controlling the same may appeal from said auditor's decision to the District Court of said county, and the cause shall be tried de novo before the District Court or judge of the district wherein said county forms a part, in term time or in vacation, after notice being given of the time and place of said trial to said auditor, and the owner of said claim; and if said claim is there, and before said judge established to his satisfaction, said judge shall order the claim to be allowed, and the auditor so appointed shall register the same as a valid claim against said county, and said county shall pay the costs of the proceedings therein had, which may be taxed as the costs are taxed under the general law in civil cases, except that no jury fee shall be taxed; and if said claim is disallowed by the District Court aforesaid, the party owning and controlling said claim shall pay the costs of the said appeal and trial as above set forth, and the claim shall be forever barred.

Sec. 3. That before said auditor shall enter upon the duties of his office, he shall make and subscribe to an oath before the district clerk of said county, that he will well and truly perform all the duties incumbent on him as special auditor of the county of Marion, according to law, and that he will do and perform all the requirements of this act, to the best of his skill and ability, and he shall give a bond in the sum of two thousand dollars ($2000), with two or more sureties, binding himself to faithfully perform the duties of his office, to the best

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of his skill and ability, in accordance with the provisions of this act, which said bond shall be approved by said district judge, which, with the oath of office, shall be filed by the district clerk of said county, and by said clerk recorded in the records of said county; and if said auditor shall fail to perform any of the duties of said office, and thereby cause a loss to said county, or to the parties holding claims against the same, he and his sureties may be sued on said bond, in the district court of said county, and such damages recorded [recovered] thereon (not exceeding the amount of said bond) as the said county or said claimant may be entitled to by reason of his said failure to perform honestly and justly his said duties, and that one recovery on said bond shall not prevent the institution of other suits thereon; provided, the whole recovery shall not exceed the amount of said bond. The auditor shall make publication in a newspaper published in said county, at least once a month, showing all the claims allowed and rejected. And if any citizen of said county shall make affidavit that he has good reason to believe that any claim has been approved which was unjustly approved, within one month from the publication of the approval thereof, said auditor shall cause the evidence upon which said claim was allowed to be laid before the district judge, who shall cause the owner of the said claim, and the person making such affidavit, to appear before him at the court house of said county, upon a day to be designated by said judge, to contest the validity or invalidity thereof; and if said judge shall determine said claim, or any part thereof, to be a valid subsisting claim against said county, it shall remain as a registered claim against said county; and if said judge shall decide said claim to be invalid, it shall be forever barred.

Sec. 4. That the County or Police Court of said county shall allow said auditor reasonable compensation for said services named in this act, not to exceed the sum of one thousand dollars.

Sec. 5. That after the said debt of the said county is ascertained, it shall be the duty of said J. D. Todd, V. H. Claiborne and W. P. Torrans, acting as trustees of said county, to cause the bonds of said county to be printed, in an amount equal to said indebtedness, found to be due as aforesaid (except such part thereof as may be already bonded), the bonds of said county, payable to

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bearer, in sums of one hundred dollars each, to become due and payable in ten years after date of issuance, and to bear interest at the rate of eight per cent. per annum, with coupons attached to each of said bonds for each year's interest thereon, which said interest shall become due and payable to bearer on the first day of July of each year after the date of issuance of said bonds. The said bonds shall be signed by the chief justice of said county, and countersigned by the clerk of the District Court thereof, with the impress of the seal of said county thereon affixed, and said coupons shall be signed by said officers and registered by date, and numbered by said clerk in the records of said county. When said bonds and coupons are signed and registered as aforesaid, they may be exchanged at par value by said trustees, for the indebtedness of the county which has been approved and allowed as aforesaid; and when one or more of said bonds are so exchanged, and before the delivery thereof, said trustees, or any two of them, shall endorse on the back thereof that the same has been issued under this act, to fund the debt of said county, and sign said endorsement with their own hands; and on failure to make said endorsement and the signatures on said bond, they shall be null and void. And when said bonds are so exchanged for said claims, audited as aforesaid, the said claims shall be by said trustees canceled, by writing the word "canceled," together with the date of said cancellation, across the face thereof, and signed by two or more of said trustees, and shall be filed with the clerk of the district court of said county, who shall keep a record of the same and file them among the archives of his office. That in case any parties hold any of said claims, which has been issued to the holder thereof and in the name of the said holder, in an amount less than one hundred dollars, the same shall be receivable for any county taxes, assessed for county purposes, due from such original holder of said claim.

Sec. 6. That before said bonds are emitted and issued, the county or police court of said county shall levy and afterwards cause to be collected, under the general laws to enforce the collection of the taxes of this State, a poll tax of twenty-five cents on each male citizen of said county over the age of twenty-one years; and to provide for the payment of said county debt, a further tax of

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twenty-five cents on each dog, and fifty cents on each bitch dog, owned and claimed by citizens of said county, is hereby imposed, and will be collected under the provisions of this act; and an ad valorem tax on all the real and personal property situate in said county, an amount sufficient, together with the above named taxes, to pay the annual interest to accrue on said bonds, and to raise an annual sinking fund to pay off the principal thereof within the said term of ten years, which, when collected, shall be paid to the treasurer of said county, and shall not be used for any other purpose than that for which the same is collected. And when said trustees are ready to purchase or pay off said bonds, or the said coupons, or any of them, the treasurer of said county shall pay to the order of said trustees, or any two of them, all of the funds which he may have in hand for said purposes except two and a half per cent. thereof, which he shall retain as fees. And all of the said coupons and approved claims, which have been received for taxes, shall also be delivered to said trustees, who shall cancel and have the same recorded, as provided in this act, for such as are by them paid off. The said coupons shall be receivable for any taxes assessed for county purposes, and the sinking fund shall be used in the purchase of the bonds herein named. In the month of June of each year, after the issuance of said bonds, the said trustees shall advertise, in a newspaper published in said county, that they will purchase or pay off, in the month of July following, such of said bonds as they may have funds to meet; and if any of said bonds are presented for payment, said trustees shall except[1] [accept] those that are offered at the lowest rate, and if none are presented, they shall draw from the whole number which may remain unpaid such numbers of said bonds as will make an amount equal to the amount of the funds then in the treasury, and advertise, as aforesaid, for one month, that they are ready to pay off said bonds drawn as aforesaid; and if said bonds are presented, they shall pay the same; and if they are not presented, they shall cease to bear interest, and the coupons thereto attached shall not thereafter be paid. When said bonds, or any of them, with

[1]Note by Secretary of State.--On comparing the foregoing enrolled bill with the original copy thereof, I find that where the word "except" occurs in line nineteen of section six of the former, it reads "accept" in the latter.—James P. Newcomb, Secretary of State.

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coupons, are purchased or paid off as aforesaid, they shall be canceled by writing the word "canceled" plainly across the face thereof, together with the date of said cancellation, and the signature[s] of two or more of said trustees, and shall be registered by said district clerk in the records of his office, and filed by said clerk in the archives of said office; and the County Court shall allow said clerk a reasonable compensation for services required of him under this act.

Sec. 7. That should said auditor fail or refuse to qualify or perform the duties herein required of him, the trustees herein appointed shall appoint some other competent person, which said appointment shall be made in writing, and recorded in the records of the office of the district clerk, when the person thus appointed may enter upon the discharge of the duties of his office created by this act, and perform the same in the manner prescribed, and as herein set forth; and should a vacancy occur by death, resignation, removal from the county, or otherwise, in the said board of trustees, the remaining two shall forthwith appoint another to fill said vacancy, which appointment shall be made and recorded as above.

Sec. 8. The County Court of said county is hereby authorized and required to cause to be paid all the reasonable expenses incurred by said auditor under this act.

Sec. 9. Before any of said taxes are collected, the treasurer of said county shall, in addition to the bonds already required to be made by him, give a bond payable to said county of Marion, in a sum at least double the probable amount of the taxes herein provided for, with at least three good and sufficient sureties, to be approved by said board of trustees, which said bond shall be recorded in the office of the district clerk of said county. Said bond shall be deemed to extend to the faithful performance of all the duties required of said treasurer by law, for and during the full term of his office; and suit thereon may be brought by the said trustees for the use of said county for any branch [breach] thereof. Said trustees may also require, at any time, additional surety, whenever, in the opinion of a majority of them the bond has become insufficient; and if said treasurer shall fail or refuse to give said bond, or to give additional surety, when so required, he shall be dismissed from office, by application to the District Court of said county.

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Sec. 10. That this act take effect and be in force from and after its passage.

Passed March 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of April, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER L.

An Act to authorize the Police Court of the County of Collin to levy and collect a Special Tax for the purpose of Building a Court House and Jail in said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That in addition to the money now on hand for that purpose, the Police Court of the county of Collin is hereby authorized to levy a special tax not to exceed thirty cents on each one hundred dollars of the valuation of the taxable property in said county, and fifty cents on each person subject to poll tax in said county, for the years A. D. 1873 and A. D. 1874, respectively, for the purpose of raising money to build a court house and jail in said county, which said tax shall be assessed and collected in the same manner as is directed by law for the collection of the State and county taxes in said county.

Sec. 2. Said tax so levied and assessed for the purpose aforesaid, shall be paid into the county treasury in money; and the Police Court of said county shall require the county treasurer of said county to execute an additional bond, with such security as they may deem adequate, to secure the fund raised by this special tax, together with the money now on hand, which bond shall be approved, as is now required by law for the approval of the bonds of county treasurer, and shall have the same force and effect as an original bond in law.

Sec. 3. The money raised by this special tax, together with that on hand, shall be applied by the Police Court

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for the purpose of building a court house and jail in said county, and for no other purpose; and shall be paid out by the county treasurer only on the draft of the Police Court, stating in said draft that it is drawn on the court house and jail fund, to pay debts due on account of the construction of said court house and jail, or either of them; provided, that after all debts and charges have been paid on account of said building or buildings, if any of the special fund shall remain in the treasury, the Police Court may appropriate such balance to general county purposes.

Sec. 4. No member of the Police Court, sheriff, treasurer, district clerk, or any other county officer of said Collin county, shall have any interest, either directly or indirectly, in any contract for the building or construction of said court house or jail, or for the furnishing or supplying materials for the construction of the same; and should any such officer be found to have any such interest, he shall forfeit all pay for labor and materials furnished.

Sec. 5. That this act take effect and be in force from and after its passage.

Passed April 1st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fourth day of April, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and therefore became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LI.

An Act to amend an Act entitled "An Act to incorporate the Town of Bonham, in Fannin County," approved August 13th, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above entitled act is hereby amended so as to change the name and style of said corporation, and the name and style thereof shall hereafter be "The City of Bonham;" and by that name shall have power of perpetual succession; to make,

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execute and carry out contracts; to acquire, hold, enjoy and dispose of property, real and personal; to sue and be sued, plead and be impleaded; to have and use a common seal for the authentication of all instruments authorized or required by law or order to be authenticated; to make, pass, publish and enforce all needful rules, resolutions, ordinances and regulations, not inconsistent with the Constitution and laws of this State, to carry out the powers conferred on said corporation or the officers thereof.

Sec. 2. That section five of said act is hereby so amended as to read as follows: That the mayor and board of aldermen of said city shall have full power and authority to make, pass, establish and enforce such rules, regulations, provisions and ordinances, as may be necessary and proper for the preservation of the life, liberty and property of the inhabitants of said city; for the preservation, of the public peace, order, decency and morals of said city; for the preservation, management, control and disposition of the public property belonging to said city; to open, widen, extend, improve, vacate or abolish streets, lanes, avenues and alleys, in said city; to regulate weights and measures in said city, not inconsistent with the Constitution and laws of the United States and this State; to license and tax occupations in said city, such as are taxable under the Constitution and laws of the State, and not to exceed the amount of State tax imposed in such cases; to declare what are nuisances, and abate and remove the same; to lay, assess, collect and appropriate all necessary general and special taxes on persons and property within the corporate limits of said city; to carry out and effect the object of the powers herein conferred on said corporation; to provide for the appointment or election by the mayor and board of aldermen of a city attorney and such other officers of said city as they may deem necessary to perform the business of said corporation, and for their punishment and removal from office; to require them to take oath, give bond, and faithfully demean themselves in office under prescribed penalties and forfeitures; to prescribe and regulate the salaries, fees or compensation of such officers, and the powers and duties of all officers and agents of said corporation; to make penal laws and ordinances consistent with the laws of this State, and pre-

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scribe fines and imprisonment for violation of said penal ordinances; provided, such fines shall in no case exceed one hundred dollars, and such imprisonment shall in no case exceed six months; to adopt rules of order for their own government and prescribe the penalties for violation thereof; to levy, assess, and collect and appropriate a general poll and ad valorem tax on all persons and property within the corporate limits of said city, subject to taxation by the laws and Constitution of this State, for the purpose of paying the ordinary expenses of the city government, and may make the necessary ordinances to enforce the collection of the same; provided, that said tax shall in no case exceed one-half of the State tax for the same year the sum is levied; and provided further, said tax shall not be levied oftener than once a year, and it shall constitute a fund for the payment of the ordinary expenses of said city, and be styled the "General Tax," and have such other powers as are or may hereafter be conferred by the general laws of this State on incorporated cities and towns.

Sec. 3. That section six of said act is hereby so amended as to read as follows: That the limits of said corporation shall be extended as follows: Beginning at a point three-fourths of one mile due east of the court house in said city, running thence north one and one-fourth miles, thence west two miles, thence south two miles, thence east two miles, thence north one and one-half miles to the beginning.

Sec. 4. Nothing herein contained shall be construed to alter, change, or impair any contract or obligation heretofore begun or made by the corporation of the town of Bonham.

This act to take effect from its passage.

Passed April 1st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the eighth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER LII.

An Act to Incorporate the Columbus, Austin and Parker County Railway Company, and to aid in the Construction of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. C. Higgins, A. W. Moore, J. A. Hooper, R. F. Campbell, Josiah Shaw, J. R. Brooks, Galin Crow, L. W. Moore, J. Schumaker, Geo. B. Zimpelman, C. S. West, and their associates, be and are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation hereby created, to be styled the "Columbus, Austin and Parker county Railway Company."

Sec. 2. That a majority of the commissioners shall constitute a board for the transaction of business, and shall hold meetings from time to time until directors shall be elected, as provided hereinafter.

Sec. 3. That at the time of subscribing to the stock of this company, five per centum of the amount subscribed shall be paid in, unless otherwise provided by the commissioners or directors.

Sec. 4. That the subscribers to the capital stock of this company are hereby created and established a body corporate and politic, under the name and style of the "Columbus, Austin and Parker county Railway Company," with capacity to contract, to sue and be sued, to plead and be impleaded, to have succession and a common seal, to grant and receive, to hold and alien real estate, to make and enforce by-laws, and to do and perform all things necessary and proper to maintain their rights under this act.

Sec. 5. The capital stock of this company shall be one million of dollars, to be increased, by a vote of two-thirds of the stockholders representing two-thirds of the stock, to such an amount, not to exceed three millions of dollars, as may be requisite to carry out the object of this company, divided into shares of one hundred dollars each. Each share to entitle its holder and owner to one vote in all meetings, or elections of the stockholders, and a majority of the stock shall govern, except in cases otherwise specially provided for. The said shares of stock

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shall be deemed personal property, transferable only on the books of the company.

Sec. 6. The direction and control of said corporation and its affairs shall be vested in a board of not less than seven (7) nor more than nine (9) directors, to be chosen by the stockholders at an annual meeting, the first of which shall be held in the city of Austin, whenever one hundred thousand dollars shall have been subscribed, and five per cent thereof paid in to the aforesaid commissioners.

Sec. 7. A majority of the directors shall constitute a quorum to do business, and at their first meeting they shall elect one of their number president, and one vice president. The board shall appoint a secretary and treasurer and other officers requisite to carry on the business of the company.

Sec. 8. The said company, when duly organized, shall be and is hereby invest[ed] with the right of locating, constructing, owning, operating and maintaining a railway, commencing at the town of Columbus, running up the Colorado river to the town of La Grange; thence to the town of Bastrop; thence to the city of Austin; thence by the shortest practicable route to the town of Weatherford, in Parker county, intersecting with the Texas Pacific Railway within one-half mile of the public square of the town of Weatherford; provided, that should the Texas Pacific Railway Company not make a depot within the corporate limits of said town, and also should the said town fail and refuse to donate to the Columbus, Austin and Parker county Railway all necessary grounds for depot and right of way five miles south of said town, then said company shall have the privilege of making junction with said Texas Pacific Railway at any point five miles east or west of said town, together with such turnouts, branches and sidings and extensions as the company may deem it to their interests to own, equip and maintain; with authority to construct, own, and maintain, in connection with said railway, a telegraph line along the route thereof; provided, that the freight and passenger depots of said road shall be within a mile of the court houses in the town[s] of Columbus, La Grange, Bastrop, Austin, Weatherford, or other county towns through which it may pass; provided, that the depot at Columbus shall be on the west side of the Colorado river; and provided further, that

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in case the citizens of Columbus and vicinity shall donate the necessary right of way for road and switches, and at least four acres of ground for depot purposes, the depot shall be located within half a mile of the court house. If the route of the road shall run within five miles of any county site, then the road shall run through the county site; provided, said county site shall donate to said road the right of way from the point of divergence towards said county site to the point at which it will regainits main route, which divergence shall not exceed ten miles; and provided further, that said county site will donate to said company grounds sufficient for depot purposes and for switches.

Sec. 9. Any agreement in writing to subscribe for stock may be enforced according to the terms of subscription, and unless payment be made according to the terms of subscription, the directors, after thirty days' notice, may sell said delinquent stock, and transfer the shares of such delinquent to the purchaser.

It shall be lawful for said company to enter upon, purchase or otherwise receive, take, hold, or obtain any lands for the purpose of locating, constructing and maintaining said railway, with all the necessary depots, turnrails [turnouts], sidings, extensions and buildings connected with said railway. When land can not be obtained by agreement with the owner or owners thereof, they shall pay such compensation as shall be determined in the manner hereinafter set forth; provided, that the land taken for this railway shall not exceed two hundred feet in width, unless for the depots and buildings, and during the construction of said railway.

Sec. 11. Any person or persons whose land has been taken as aforesaid, without agreement or satisfactory compensation, may apply to the district court of the county in which said land is situated for the appointment of appraisers, and said court shall thereupon appoint three disinterested freeholders of said county, who shall appoint a time and place to hear the applicant and said company, to whom shall be given, by said freeholders, reasonable notice of the time and place of said hearing; and said freeholders shall, after being duly sworn, and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award at the next succeeding

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term of said court; and said award if not rejected by said court for sufficient cause then shown, shall be entered up as the judgment of said court. In determining the question of compensation; said freeholders shall be governed by the actual value of said land at the time it was taken; taking into consideration the benefits or injuries done to other lands or property of its owner, by the establishment of said railway. And if the amount of compensation awarded by said freeholders shall not exceed the amount offered by said company to the owner, prior to said application to the court, the applicant shall pay the cost of the proceedings; otherwise the company shall pay the same.

Sec. 12. That said railway company shall have the right to cross all public highways, and all railroads, that may be necessary to cross to establish said railway. And if said railway crosses any stream that is navigable, when crossed, by steam, it shall cross in such a manner as not unnecessarily to impede navigation.

Sec. 13. That said company shall have power to borrow money, issue bonds or other bills of credit, with or without mortgage; provided, it is done in conformity to a vote of two-thirds of the directors, sanctioned by a majority of the stockholders, at a regular called meeting, of which thirty days' public notice has been given; and generally this company shall have all power requisite to carry into successful effect the objects of this company.

Sec. 14. That the first meeting of this company shall be called in the city of Austin, whenever one hundred thousand dollars of the capital stock shall have been subscribed, by giving thirty days' public notice in at least two newspapers published in the counties through which this railway is to pass; and the stockholders shall then proceed to elect directors, who shall hold office until the annual election, which shall take place at the company's principal office, in the city of Austin, on the first Tuesday in December in each year. Should a majority of the stock be represented, the election shall proceed, if not, the directors shall appoint another day within thirty days thereafter, and an election on that day shall be valid. Directors elected under the provisions hereof shall hold their office for one year, or until their successors be chosen and are qualified. No person shall be a director who is not the owner of at least ten shares of the stock of this company.

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Sec. 15. That thhis charter shall remain in force for the period of sixty years from the date of completion of said railroad; and the company shall be entitled to receive sixteen sections of land for each and every mile of railroad completed; and whenever the Governor shall be informed that ten miles of said road shall have been completed, he shall at once appoint some competent person to inspect the same, and if the report of the inspector shall be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be to immediately issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of road completed, and so on for every additional ten miles when completed, which said certificates shall be located, surveyed and patented, according to the provisions of the general railroad law, on the principle af alternate sections; provided, that each succeeding section of ten miles shall be inspected in like manner as provided in this section for the first ten miles; provided further, that the said company shall not have the right to sell, rent, lease or consolidate with any parallel or competing railroads in this State; provided further, that in no case shall the State be in any way liable for deficiency of vacant domain.

Sec. 16. That this railway shall be constructed with a four feet eight and one-half inches gauge. That said railway shall be substantially built and fully equipped for passenger travel, and for the transportation of freight, and be operated by steam; provided, said incorporation shall be subject to all laws that are now in force, or that may hereafter be enacted by the Legislature regulating railroads and railroad companies.

Sec. 17. That this company shall have the power to charge and collect such rates of freight, and such rates of passage as the company may deem just and proper; provided, however, such charges do not exceed the charges legally established on other Texan railways, and shall be and remain subject to control and regulation by the Legislature, as well as to its charges for freight and passenger fare as to its conduct as a common carrier.

Sec. 18. That the organization of this company shall be perfected within six months from the date of the passage of this act, and twenty miles shall be completed within two years, and twenty miles each year thereafter, or this charter shall be forfeited as to that portion not built.

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Sec. 19. That the said company are authorized to solicit and receive donations in land, money, bonds or other property, either from individuals, counties or other corporations; and under any laws now in force or hereafter passed, they are authorized to apply, if deemed by them necessary, to the counties of the State situated on or near the route of said company, for aid by gift, or loan in money or bonds, or by subscription to the capital stock of said company.

Sec. 20. That this act shall take effect and be in force from and after its passage.

Passed April 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the seventh day of April, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LIII.

An Act to reorganize the Town of Sherman, in Grayson County, Texas, and Incorporate said Town as the City of Sherman.

Be it enacted by the Legislature of the State of Texas, as follows:

Article I.

Section 1. The corporation now existing and known as the town of Sherman, in Grayson county, Texas, shall continue to be a body corporate in fact, by the name and style of the city of Sherman, and shall have perpetual succession, with all the grants, powers and privileges now and heretofore held by said corporation, and not modified nor repealed by the provisions of this act. Said corporation shall also have such enlarged jurisdiction and additional powers as are hereinafter conferred by this act; and shall have a seal to authenticate all their instruments of writing, with a star in the centre, and the letters

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Texas between the points of said star, with the additional words, "City of Sherman," around the edge of said seal.

Article II.

Section 1. The limits of the corporation shall be ascertained and defined as follows, to-wit: commencing at a point seventeen hundred and sixty yards due south from the centre of the court house square; thence due east seventeen hundred and sixty yards; thence due north thirty-five hundred and twenty yards; thence due west thirty-five hundred and twenty yards; thence due south thirty-five hundred and twenty yards; thence due east, seventeen hundred and sixty yards to the place of beginning.

Article III.

Section 1. The jurisdiction of the corporation of the city of Sherman shall be coextensive with the limits, as defined in article second, and shall also include the distance of three miles, for all sanitary purposes, in every direction from the centre of the court house square.

Article IV.

Section 1. The elective officers of the corporation shall be one mayor, nine aldermen, and one marshal.

Sec. 2. The mayor and aldermen shall constitute the common council of the city of Sherman, and when in session as such the common council may appoint and remove at their pleasure such subordinate officers as may be needed from time to time, to secure an efficient administration of all ordinances of the corporation.

Article V.

Section 1. The powers of the corporation shall be vested in the mayor and aldermen; and a majority of the aldermen present at any regular or called session shall constitute a quorum competent to do business.

Sec. 2. The form of all ordinances shall be as follows: "Be it ordained by the common council of the city of Sherman."

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Sec. 3. No ordinance shall take effect and be in force until the same is published for two weeks in a newspaper published within the corporate limits of the city of Sherman; or, in the absence of such newspaper, by posting up such ordinances in at least ten public places within the limits of the corporation for the length of time above stated. Sanitary ordinances, when their speedy enforcement is deemed necessary by the common council, may be made to take effect the day after their being posted up in at least twelve public places within said limits.

Sec. 4. The common council, by ordinances, shall have power, as follows:

First—To appoint a recorder and treasurer, and such other subordinate officers as may be required; and require bond and proper security for the faithful performance of their duties; to prescribe the duties to be performed by the recorder, treasurer, marshal, and other subordinate officers, respectively, and to enforce their performance in such manner and mode as said common council may deem appropriate, not inconsistent with the laws of the State.

Second—To levy taxes on all property within the limits of the corporation, subject to taxation under the laws of the State; but said taxation is not to exceed one-half of one per cent. ad valorem, as estimated in the assessment for State taxes; and to levy occupation taxes on all occupations which are taxed by the State, not to exceed the amount so levied by the State; and to levy a specific tax on dogs.

Third—To collect said taxes through the city marshal, in the mode and manner prescribed by law for the collection of the State taxes.

Fourth—To license merchants and traders in goods, wares and merchandise of every description; wholesale and retail wine and liquor dealers; wholesale and retail grocers; apothecaries, inn keepers, and boarding houses; brokers and money changers; carts, wagons, hacks, coaches, drays and livery stables; hawkers and peddlers; showmen, theaters, pawnbrokers, and the keepers of beer saloons; barbers, fruit stands, beer gardens, and all other occupations; and to collect said licenses, through the city marshal, in the mode and manner prescribed by law for the collection of licenses granted by the State.

Fifth—To regulate the use of the streets, highways,

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roads and public places, by foot passengers, vehicles, railways and locomotives and cars.

Sixth—To regulate the use of the sidewalks and corner stands on the corners of lots and blocks.

Seventh—To prevent and remove encroachments upon and obstructions to the streets, highways and public places.

Eighth—To regulate the openings of street surfaces, and to extend the streets as laid down in recorded plot or plat of said city, in continuation to the corporate limits of said city, if practicable.

Ninth—To regulate the laying of gas and water pipes, and the erection of gas lights.

Tenth—To regulate or prevent the throwing of ashes, offal, dirt or garbage in the streets.

Eleventh—To regulate the cleaning and grading of the streets and sidewalks, the making and cleaning of gutters.

Twelfth—To regulate the erection, use and continuance of slaughter houses and market houses.

Thirteenth—To define, regulate and control the conduct of police, and their relation to other officers of the peace, and other persons, in respect to maintaining peace and good order, and preserving the rights of persons and property.

Fourteenth—In relation to street beggars, mendicants, vagrants and prostitutes.

Fifteenth—In relation to the use of guns, pistols, firearms of all kinds within the city.

Sixteenth—In relation to the keeping and storage of gunpowder and other explosive materials.

Seventeenth—In relation to intoxication, quarreling and fighting in the streets, and in places of public amusement.

Eighteenth—In relation to public morals, in exposing the person, or exhibiting obscene pictures.

Nineteenth—In relation to the public health, the prevention and removal of nuisances.

Twentieth—In relation to disorderly and gaming houses.

Twenty-first—In relation to quarantining in apprehension of or during epidemics and contagious diseases.

Twenty-second—In relation to the passenger and freight trains at the depots and wharves or platforms.

Twenty-third—In relation to the prevention and ex-

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tinguishment of fires; and the formation of a fire department, its officers, its regulation and support.

Twenty-fourth—In relation to the affixing of a penalty for a violation of any ordinance, and the collection of said penalty.

Twenty-fifth—In relation to the erection of a city hospital, its conduct and maintenance.

Twenty-sixth—In relation to public order and keeping the peace.

Twenty-seventh—In relation to the employing of legal counsel for the assistance of the common council, and to prosecute on behalf of the corporation in criminal cases, and to institute and defend civil suits in their behalf.

Twenty-eighth—In relation to the employment of a city surveyor.

Twenty-ninth—In relation to the employment of an adequate police force and night watchmen.

Thirtieth—In relation to the imposition of fines and penalties for the violation of ordinances.

Thirty-first—To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving as aforesaid, to be stopped by any person; and to compel persons to fasten their horses or other animals attached to vehicles while standing in the streets.

Thirty-second—To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wheelbarrows, boxes, lumber, timber, pine wood, awnings, signs, or any substance whatever.

Thirty-third—To abate and remove nuisances, and punish the authors thereof, by fine and imprisonment, and to define and declare what shall be deemed nuisances, and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and remove nuisances in the streets, or any part of said city, by indictment or otherwise.

Article VI.

Section 1. All elective city officers shall be elected for the term of two years; and upon the passage of this act, the present mayor, aldermen and marshal shall continue in office during the unexpired term of their offices,

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and their election shall date from the general election in November, 1872; and they shall continue in the discharge of their several duties until their successors are qualified.

Sec. 2. All elections to fill vacancies shall be for the unexpired term of the office to be filled.

Article VII.

Section 1. All the proceedings of the common council shall be recorded in proper journals and books kept for that purpose; and shall be open to the inspection of the public.

Article VIII.

Section 1. The mayor, when present at the sessions of the common council, shall be the presiding officer; he shall have the casting vote in case of a tie.

Sec. 2. The mayor shall have power to act in a judicial capacity; and alone in all cases arising within the jurisdiction of the corporation involving a breach of the peace, a violation of any penal ordinance of the common council, and a violation of any law in the criminal code of this State.

Sec. 3. In cases of a breach of the peace, or a violation of a law in the criminal code of this State, the mayor shall have the same power as is conferred by law on a justice of the peace, in relation to the same subject matter. In relation to a violation of penal ordinances passed by the common council, he shall have power to try the same; and, on conviction, to execute the penalty through the city marshal, sheriff, constable or policemen, in the mode and manner prescribed in the ordinance violated.

Sec. 4. The mayor, on complaint made before him under oath, shall have power to issue writs of arrest and warrants for all violations of the ordinances of the corporation; and when such violations of ordinances are committed in his view, he shall have power to arrest without complaint being made, and without a writ of arrest or warrant. He shall also have power to issue subpoenas and attachments for witnesses.

Sec. 5. The mayor shall cause, as a judicial officer,

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the clerk to keep a record of all his, the mayor's, proceedings, which shall be open to the inspection of the public, and transmit the same to the common council on the termination of his office; and the same shall be kept as an archive of the corporation.

Sec. 6. The mayor shall at all times, by virtue of his office, see that the ordinances of the common council are executed; that all subordinate officers perform their duties, and, as occasion may require, report to said council as to delinquencies and misconduct of such officers. He shall also, from time to time, recommend to the council such measures for consideration as he may deem important.

Sec. 7. The mayor shall receive an annual salary, to be fixed as to the amount by the common council preceding his term of office. As a judicial officer, he shall receive the same fees as are or may be by law provided for a justice of the peace.

Article IX.

Section 1. All property, real and personal, acquired by the corporation of the city of Sherman, whether by conveyance, donation, bequest, or by the imposition of taxes, fines or penalties, or the granting of license, or acquired from any other source, or in any other manner, shall be held in trust by said corporation for the use and benefit of the same, and shall be appropriated for no other purpose.

Sec. 2. The funds of the corporation shall be used, first, to sustain the municipal government; second, for such improvement in and adornment of the city as shall be sanctioned by a majority of the members of the common council.

Article X.

Section 1. The common council shall divide said city of Sherman into wards, not to exceed five in number, and define the metes and bounds thereof.

Article XI.

Section 1. The common council of the city of Sher-

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Sec. 10. That this act take effect and be in force from and after its passage.

Passed March 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of April, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER L.

An Act to authorize the Police Court of the County of Collin to levy and collect a Special Tax for the purpose of Building a Court House and Jail in said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That in addition to the money now on hand for that purpose, the Police Court of the county of Collin is hereby authorized to levy a special tax not to exceed thirty cents on each one hundred dollars of the valuation of the taxable property in said county, and fifty cents on each person subject to poll tax in said county, for the years A. D. 1873 and A. D. 1874, respectively, for the purpose of raising money to build a court house and jail in said county, which said tax shall be assessed and collected in the same manner as is directed by law for the collection of the State and county taxes in said county.

Sec. 2. Said tax so levied and assessed for the purpose aforesaid, shall be paid into the county treasury in money; and the Police Court of said county shall require the county treasurer of said county to execute an additional bond, with such security as they may deem adequate, to secure the fund raised by this special tax, together with the money now on hand, which bond shall be approved, as is now required by law for the approval of the bonds of county treasurer, and shall have the same force and effect as an original bond in law.

Sec. 3. The money raised by this special tax, together with that on hand, shall be applied by the Police Court

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for the purpose of building a court house and jail in said county, and for no other purpose; and shall be paid out by the county treasurer only on the draft of the Police Court, stating in said draft that it is drawn on the court house and jail fund, to pay debts due on account of the construction of said court house and jail, or either of them; provided, that after all debts and charges have been paid on account of said building or buildings, if any of the special fund shall remain in the treasury, the Police Court may appropriate such balance to general county purposes.

Sec. 4. No member of the Police Court, sheriff, treasurer, district clerk, or any other county officer of said Collin county, shall have any interest, either directly or indirectly, in any contract for the building or construction of said court house or jail, or for the furnishing or supplying materials for the construction of the same; and should any such officer be found to have any such interest, he shall forfeit all pay for labor and materials furnished.

Sec. 5. That this act take effect and be in force from and after its passage.

Passed April 1st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fourth day of April, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and therefore became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LI.

An Act to amend an Act entitled "An Act to incorporate the Town of Bonham, in Fannin County," approved August 13th, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above entitled act is hereby amended so as to change the name and style of said corporation, and the name and style thereof shall hereafter be "The City of Bonham;" and by that name shall have power of perpetual succession; to make,

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execute and carry out contracts; to acquire, hold, enjoy and dispose of property, real and personal; to sue and be sued, plead and be impleaded; to have and use a common seal for the authentication of all instruments authorized or required by law or order to be authenticated; to make, pass, publish and enforce all needful rules, resolutions, ordinances and regulations, not inconsistent with the Constitution and laws of this State, to carry out the powers conferred on said corporation or the officers thereof.

Sec. 2. That section five of said act is hereby so amended as to read as follows: That the mayor and board of aldermen of said city shall have full power and authority to make, pass, establish and enforce such rules, regulations, provisions and ordinances, as may be necessary and proper for the preservation of the life, liberty and property of the inhabitants of said city; for the preservation, of the public peace, order, decency and morals of said city; for the preservation, management, control and disposition of the public property belonging to said city; to open, widen, extend, improve, vacate or abolish streets, lanes, avenues and alleys, in said city; to regulate weights and measures in said city, not inconsistent with the Constitution and laws of the United States and this State; to license and tax occupations in said city, such as are taxable under the Constitution and laws of the State, and not to exceed the amount of State tax imposed in such cases; to declare what are nuisances, and abate and remove the same; to lay, assess, collect and appropriate all necessary general and special taxes on persons and property within the corporate limits of said city; to carry out and effect the object of the powers herein conferred on said corporation; to provide for the appointment or election by the mayor and board of aldermen of a city attorney and such other officers of said city as they may deem necessary to perform the business of said corporation, and for their punishment and removal from office; to require them to take oath, give bond, and faithfully demean themselves in office under prescribed penalties and forfeitures; to prescribe and regulate the salaries, fees or compensation of such officers, and the powers and duties of all officers and agents of said corporation; to make penal laws and ordinances consistent with the laws of this State, and pre-

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scribe fines and imprisonment for violation of said penal ordinances; provided, such fines shall in no case exceed one hundred dollars, and such imprisonment shall in no case exceed six months; to adopt rules of order for their own government and prescribe the penalties for violation thereof; to levy, assess, and collect and appropriate a general poll and ad valorem tax on all persons and property within the corporate limits of said city, subject to taxation by the laws and Constitution of this State, for the purpose of paying the ordinary expenses of the city government, and may make the necessary ordinances to enforce the collection of the same; provided, that said tax shall in no case exceed one-half of the State tax for the same year the sum is levied; and provided further, said tax shall not be levied oftener than once a year, and it shall constitute a fund for the payment of the ordinary expenses of said city, and be styled the "General Tax," and have such other powers as are or may hereafter be conferred by the general laws of this State on incorporated cities and towns.

Sec. 3. That section six of said act is hereby so amended as to read as follows: That the limits of said corporation shall be extended as follows: Beginning at a point three-fourths of one mile due east of the court house in said city, running thence north one and one-fourth miles, thence west two miles, thence south two miles, thence east two miles, thence north one and one-half miles to the beginning.

Sec. 4. Nothing herein contained shall be construed to alter, change, or impair any contract or obligation heretofore begun or made by the corporation of the town of Bonham.

This act to take effect from its passage.

Passed April 1st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the eighth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER LII.

An Act to Incorporate the Columbus, Austin and Parker County Railway Company, and to aid in the Construction of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. C. Higgins, A. W. Moore, J. A. Hooper, R. F. Campbell, Josiah Shaw, J. R. Brooks, Galin Crow, L. W. Moore, J. Schumaker, Geo. B. Zimpelman, C. S. West, and their associates, be and are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation hereby created, to be styled the "Columbus, Austin and Parker county Railway Company."

Sec. 2. That a majority of the commissioners shall constitute a board for the transaction of business, and shall hold meetings from time to time until directors shall be elected, as provided hereinafter.

Sec. 3. That at the time of subscribing to the stock of this company, five per centum of the amount subscribed shall be paid in, unless otherwise provided by the commissioners or directors.

Sec. 4. That the subscribers to the capital stock of this company are hereby created and established a body corporate and politic, under the name and style of the "Columbus, Austin and Parker county Railway Company," with capacity to contract, to sue and be sued, to plead and be impleaded, to have succession and a common seal, to grant and receive, to hold and alien real estate, to make and enforce by-laws, and to do and perform all things necessary and proper to maintain their rights under this act.

Sec. 5. The capital stock of this company shall be one million of dollars, to be increased, by a vote of two-thirds of the stockholders representing two-thirds of the stock, to such an amount, not to exceed three millions of dollars, as may be requisite to carry out the object of this company, divided into shares of one hundred dollars each. Each share to entitle its holder and owner to one vote in all meetings, or elections of the stockholders, and a majority of the stock shall govern, except in cases otherwise specially provided for. The said shares of stock

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shall be deemed personal property, transferable only on the books of the company.

Sec. 6. The direction and control of said corporation and its affairs shall be vested in a board of not less than seven (7) nor more than nine (9) directors, to be chosen by the stockholders at an annual meeting, the first of which shall be held in the city of Austin, whenever one hundred thousand dollars shall have been subscribed, and five per cent thereof paid in to the aforesaid commissioners.

Sec. 7. A majority of the directors shall constitute a quorum to do business, and at their first meeting they shall elect one of their number president, and one vice president. The board shall appoint a secretary and treasurer and other officers requisite to carry on the business of the company.

Sec. 8. The said company, when duly organized, shall be and is hereby invest[ed] with the right of locating, constructing, owning, operating and maintaining a railway, commencing at the town of Columbus, running up the Colorado river to the town of La Grange; thence to the town of Bastrop; thence to the city of Austin; thence by the shortest practicable route to the town of Weatherford, in Parker county, intersecting with the Texas Pacific Railway within one-half mile of the public square of the town of Weatherford; provided, that should the Texas Pacific Railway Company not make a depot within the corporate limits of said town, and also should the said town fail and refuse to donate to the Columbus, Austin and Parker county Railway all necessary grounds for depot and right of way five miles south of said town, then said company shall have the privilege of making junction with said Texas Pacific Railway at any point five miles east or west of said town, together with such turnouts, branches and sidings and extensions as the company may deem it to their interests to own, equip and maintain; with authority to construct, own, and maintain, in connection with said railway, a telegraph line along the route thereof; provided, that the freight and passenger depots of said road shall be within a mile of the court houses in the town[s] of Columbus, La Grange, Bastrop, Austin, Weatherford, or other county towns through which it may pass; provided, that the depot at Columbus shall be on the west side of the Colorado river; and provided further, that

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in case the citizens of Columbus and vicinity shall donate the necessary right of way for road and switches, and at least four acres of ground for depot purposes, the depot shall be located within half a mile of the court house. If the route of the road shall run within five miles of any county site, then the road shall run through the county site; provided, said county site shall donate to said road the right of way from the point of divergence towards said county site to the point at which it will regainits main route, which divergence shall not exceed ten miles; and provided further, that said county site will donate to said company grounds sufficient for depot purposes and for switches.

Sec. 9. Any agreement in writing to subscribe for stock may be enforced according to the terms of subscription, and unless payment be made according to the terms of subscription, the directors, after thirty days' notice, may sell said delinquent stock, and transfer the shares of such delinquent to the purchaser.

It shall be lawful for said company to enter upon, purchase or otherwise receive, take, hold, or obtain any lands for the purpose of locating, constructing and maintaining said railway, with all the necessary depots, turnrails [turnouts], sidings, extensions and buildings connected with said railway. When land can not be obtained by agreement with the owner or owners thereof, they shall pay such compensation as shall be determined in the manner hereinafter set forth; provided, that the land taken for this railway shall not exceed two hundred feet in width, unless for the depots and buildings, and during the construction of said railway.

Sec. 11. Any person or persons whose land has been taken as aforesaid, without agreement or satisfactory compensation, may apply to the district court of the county in which said land is situated for the appointment of appraisers, and said court shall thereupon appoint three disinterested freeholders of said county, who shall appoint a time and place to hear the applicant and said company, to whom shall be given, by said freeholders, reasonable notice of the time and place of said hearing; and said freeholders shall, after being duly sworn, and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award at the next succeeding

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term of said court; and said award if not rejected by said court for sufficient cause then shown, shall be entered up as the judgment of said court. In determining the question of compensation; said freeholders shall be governed by the actual value of said land at the time it was taken; taking into consideration the benefits or injuries done to other lands or property of its owner, by the establishment of said railway. And if the amount of compensation awarded by said freeholders shall not exceed the amount offered by said company to the owner, prior to said application to the court, the applicant shall pay the cost of the proceedings; otherwise the company shall pay the same.

Sec. 12. That said railway company shall have the right to cross all public highways, and all railroads, that may be necessary to cross to establish said railway. And if said railway crosses any stream that is navigable, when crossed, by steam, it shall cross in such a manner as not unnecessarily to impede navigation.

Sec. 13. That said company shall have power to borrow money, issue bonds or other bills of credit, with or without mortgage; provided, it is done in conformity to a vote of two-thirds of the directors, sanctioned by a majority of the stockholders, at a regular called meeting, of which thirty days' public notice has been given; and generally this company shall have all power requisite to carry into successful effect the objects of this company.

Sec. 14. That the first meeting of this company shall be called in the city of Austin, whenever one hundred thousand dollars of the capital stock shall have been subscribed, by giving thirty days' public notice in at least two newspapers published in the counties through which this railway is to pass; and the stockholders shall then proceed to elect directors, who shall hold office until the annual election, which shall take place at the company's principal office, in the city of Austin, on the first Tuesday in December in each year. Should a majority of the stock be represented, the election shall proceed, if not, the directors shall appoint another day within thirty days thereafter, and an election on that day shall be valid. Directors elected under the provisions hereof shall hold their office for one year, or until their successors be chosen and are qualified. No person shall be a director who is not the owner of at least ten shares of the stock of this company.

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Sec. 15. That thhis charter shall remain in force for the period of sixty years from the date of completion of said railroad; and the company shall be entitled to receive sixteen sections of land for each and every mile of railroad completed; and whenever the Governor shall be informed that ten miles of said road shall have been completed, he shall at once appoint some competent person to inspect the same, and if the report of the inspector shall be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be to immediately issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of road completed, and so on for every additional ten miles when completed, which said certificates shall be located, surveyed and patented, according to the provisions of the general railroad law, on the principle af alternate sections; provided, that each succeeding section of ten miles shall be inspected in like manner as provided in this section for the first ten miles; provided further, that the said company shall not have the right to sell, rent, lease or consolidate with any parallel or competing railroads in this State; provided further, that in no case shall the State be in any way liable for deficiency of vacant domain.

Sec. 16. That this railway shall be constructed with a four feet eight and one-half inches gauge. That said railway shall be substantially built and fully equipped for passenger travel, and for the transportation of freight, and be operated by steam; provided, said incorporation shall be subject to all laws that are now in force, or that may hereafter be enacted by the Legislature regulating railroads and railroad companies.

Sec. 17. That this company shall have the power to charge and collect such rates of freight, and such rates of passage as the company may deem just and proper; provided, however, such charges do not exceed the charges legally established on other Texan railways, and shall be and remain subject to control and regulation by the Legislature, as well as to its charges for freight and passenger fare as to its conduct as a common carrier.

Sec. 18. That the organization of this company shall be perfected within six months from the date of the passage of this act, and twenty miles shall be completed within two years, and twenty miles each year thereafter, or this charter shall be forfeited as to that portion not built.

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Sec. 19. That the said company are authorized to solicit and receive donations in land, money, bonds or other property, either from individuals, counties or other corporations; and under any laws now in force or hereafter passed, they are authorized to apply, if deemed by them necessary, to the counties of the State situated on or near the route of said company, for aid by gift, or loan in money or bonds, or by subscription to the capital stock of said company.

Sec. 20. That this act shall take effect and be in force from and after its passage.

Passed April 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the seventh day of April, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LIII.

An Act to reorganize the Town of Sherman, in Grayson County, Texas, and Incorporate said Town as the City of Sherman.

Be it enacted by the Legislature of the State of Texas, as follows:

Article I.

Section 1. The corporation now existing and known as the town of Sherman, in Grayson county, Texas, shall continue to be a body corporate in fact, by the name and style of the city of Sherman, and shall have perpetual succession, with all the grants, powers and privileges now and heretofore held by said corporation, and not modified nor repealed by the provisions of this act. Said corporation shall also have such enlarged jurisdiction and additional powers as are hereinafter conferred by this act; and shall have a seal to authenticate all their instruments of writing, with a star in the centre, and the letters

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Texas between the points of said star, with the additional words, "City of Sherman," around the edge of said seal.

Article II.

Section 1. The limits of the corporation shall be ascertained and defined as follows, to-wit: commencing at a point seventeen hundred and sixty yards due south from the centre of the court house square; thence due east seventeen hundred and sixty yards; thence due north thirty-five hundred and twenty yards; thence due west thirty-five hundred and twenty yards; thence due south thirty-five hundred and twenty yards; thence due east, seventeen hundred and sixty yards to the place of beginning.

Article III.

Section 1. The jurisdiction of the corporation of the city of Sherman shall be coextensive with the limits, as defined in article second, and shall also include the distance of three miles, for all sanitary purposes, in every direction from the centre of the court house square.

Article IV.

Section 1. The elective officers of the corporation shall be one mayor, nine aldermen, and one marshal.

Sec. 2. The mayor and aldermen shall constitute the common council of the city of Sherman, and when in session as such the common council may appoint and remove at their pleasure such subordinate officers as may be needed from time to time, to secure an efficient administration of all ordinances of the corporation.

Article V.

Section 1. The powers of the corporation shall be vested in the mayor and aldermen; and a majority of the aldermen present at any regular or called session shall constitute a quorum competent to do business.

Sec. 2. The form of all ordinances shall be as follows: "Be it ordained by the common council of the city of Sherman."

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Sec. 3. No ordinance shall take effect and be in force until the same is published for two weeks in a newspaper published within the corporate limits of the city of Sherman; or, in the absence of such newspaper, by posting up such ordinances in at least ten public places within the limits of the corporation for the length of time above stated. Sanitary ordinances, when their speedy enforcement is deemed necessary by the common council, may be made to take effect the day after their being posted up in at least twelve public places within said limits.

Sec. 4. The common council, by ordinances, shall have power, as follows:

First—To appoint a recorder and treasurer, and such other subordinate officers as may be required; and require bond and proper security for the faithful performance of their duties; to prescribe the duties to be performed by the recorder, treasurer, marshal, and other subordinate officers, respectively, and to enforce their performance in such manner and mode as said common council may deem appropriate, not inconsistent with the laws of the State.

Second—To levy taxes on all property within the limits of the corporation, subject to taxation under the laws of the State; but said taxation is not to exceed one-half of one per cent. ad valorem, as estimated in the assessment for State taxes; and to levy occupation taxes on all occupations which are taxed by the State, not to exceed the amount so levied by the State; and to levy a specific tax on dogs.

Third—To collect said taxes through the city marshal, in the mode and manner prescribed by law for the collection of the State taxes.

Fourth—To license merchants and traders in goods, wares and merchandise of every description; wholesale and retail wine and liquor dealers; wholesale and retail grocers; apothecaries, inn keepers, and boarding houses; brokers and money changers; carts, wagons, hacks, coaches, drays and livery stables; hawkers and peddlers; showmen, theaters, pawnbrokers, and the keepers of beer saloons; barbers, fruit stands, beer gardens, and all other occupations; and to collect said licenses, through the city marshal, in the mode and manner prescribed by law for the collection of licenses granted by the State.

Fifth—To regulate the use of the streets, highways,

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roads and public places, by foot passengers, vehicles, railways and locomotives and cars.

Sixth—To regulate the use of the sidewalks and corner stands on the corners of lots and blocks.

Seventh—To prevent and remove encroachments upon and obstructions to the streets, highways and public places.

Eighth—To regulate the openings of street surfaces, and to extend the streets as laid down in recorded plot or plat of said city, in continuation to the corporate limits of said city, if practicable.

Ninth—To regulate the laying of gas and water pipes, and the erection of gas lights.

Tenth—To regulate or prevent the throwing of ashes, offal, dirt or garbage in the streets.

Eleventh—To regulate the cleaning and grading of the streets and sidewalks, the making and cleaning of gutters.

Twelfth—To regulate the erection, use and continuance of slaughter houses and market houses.

Thirteenth—To define, regulate and control the conduct of police, and their relation to other officers of the peace, and other persons, in respect to maintaining peace and good order, and preserving the rights of persons and property.

Fourteenth—In relation to street beggars, mendicants, vagrants and prostitutes.

Fifteenth—In relation to the use of guns, pistols, firearms of all kinds within the city.

Sixteenth—In relation to the keeping and storage of gunpowder and other explosive materials.

Seventeenth—In relation to intoxication, quarreling and fighting in the streets, and in places of public amusement.

Eighteenth—In relation to public morals, in exposing the person, or exhibiting obscene pictures.

Nineteenth—In relation to the public health, the prevention and removal of nuisances.

Twentieth—In relation to disorderly and gaming houses.

Twenty-first—In relation to quarantining in apprehension of or during epidemics and contagious diseases.

Twenty-second—In relation to the passenger and freight trains at the depots and wharves or platforms.

Twenty-third—In relation to the prevention and ex-

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tinguishment of fires; and the formation of a fire department, its officers, its regulation and support.

Twenty-fourth—In relation to the affixing of a penalty for a violation of any ordinance, and the collection of said penalty.

Twenty-fifth—In relation to the erection of a city hospital, its conduct and maintenance.

Twenty-sixth—In relation to public order and keeping the peace.

Twenty-seventh—In relation to the employing of legal counsel for the assistance of the common council, and to prosecute on behalf of the corporation in criminal cases, and to institute and defend civil suits in their behalf.

Twenty-eighth—In relation to the employment of a city surveyor.

Twenty-ninth—In relation to the employment of an adequate police force and night watchmen.

Thirtieth—In relation to the imposition of fines and penalties for the violation of ordinances.

Thirty-first—To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving as aforesaid, to be stopped by any person; and to compel persons to fasten their horses or other animals attached to vehicles while standing in the streets.

Thirty-second—To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wheelbarrows, boxes, lumber, timber, pine wood, awnings, signs, or any substance whatever.

Thirty-third—To abate and remove nuisances, and punish the authors thereof, by fine and imprisonment, and to define and declare what shall be deemed nuisances, and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and remove nuisances in the streets, or any part of said city, by indictment or otherwise.

Article VI.

Section 1. All elective city officers shall be elected for the term of two years; and upon the passage of this act, the present mayor, aldermen and marshal shall continue in office during the unexpired term of their offices,

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and their election shall date from the general election in November, 1872; and they shall continue in the discharge of their several duties until their successors are qualified.

Sec. 2. All elections to fill vacancies shall be for the unexpired term of the office to be filled.

Article VII.

Section 1. All the proceedings of the common council shall be recorded in proper journals and books kept for that purpose; and shall be open to the inspection of the public.

Article VIII.

Section 1. The mayor, when present at the sessions of the common council, shall be the presiding officer; he shall have the casting vote in case of a tie.

Sec. 2. The mayor shall have power to act in a judicial capacity; and alone in all cases arising within the jurisdiction of the corporation involving a breach of the peace, a violation of any penal ordinance of the common council, and a violation of any law in the criminal code of this State.

Sec. 3. In cases of a breach of the peace, or a violation of a law in the criminal code of this State, the mayor shall have the same power as is conferred by law on a justice of the peace, in relation to the same subject matter. In relation to a violation of penal ordinances passed by the common council, he shall have power to try the same; and, on conviction, to execute the penalty through the city marshal, sheriff, constable or policemen, in the mode and manner prescribed in the ordinance violated.

Sec. 4. The mayor, on complaint made before him under oath, shall have power to issue writs of arrest and warrants for all violations of the ordinances of the corporation; and when such violations of ordinances are committed in his view, he shall have power to arrest without complaint being made, and without a writ of arrest or warrant. He shall also have power to issue subpoenas and attachments for witnesses.

Sec. 5. The mayor shall cause, as a judicial officer,

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the clerk to keep a record of all his, the mayor's, proceedings, which shall be open to the inspection of the public, and transmit the same to the common council on the termination of his office; and the same shall be kept as an archive of the corporation.

Sec. 6. The mayor shall at all times, by virtue of his office, see that the ordinances of the common council are executed; that all subordinate officers perform their duties, and, as occasion may require, report to said council as to delinquencies and misconduct of such officers. He shall also, from time to time, recommend to the council such measures for consideration as he may deem important.

Sec. 7. The mayor shall receive an annual salary, to be fixed as to the amount by the common council preceding his term of office. As a judicial officer, he shall receive the same fees as are or may be by law provided for a justice of the peace.

Article IX.

Section 1. All property, real and personal, acquired by the corporation of the city of Sherman, whether by conveyance, donation, bequest, or by the imposition of taxes, fines or penalties, or the granting of license, or acquired from any other source, or in any other manner, shall be held in trust by said corporation for the use and benefit of the same, and shall be appropriated for no other purpose.

Sec. 2. The funds of the corporation shall be used, first, to sustain the municipal government; second, for such improvement in and adornment of the city as shall be sanctioned by a majority of the members of the common council.

Article X.

Section 1. The common council shall divide said city of Sherman into wards, not to exceed five in number, and define the metes and bounds thereof.

Article XI.

Section 1. The common council of the city of Sher-

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man shall have the power to issue the bonds of said city, payable in twenty years, to bear interest at (8) eight per cent., not to exceed one hundred thousand dollars in amount; the proceeds arising from the sale of which shall be applied to the opening of streets and the grading thereof, the construction of sidewalks, building of bridges, and to such other city purposes as to said common council shall seem best for the general interest.

Sec. 2. That before said bonds are emitted and issued, the common council of said city shall levy and cause to be collected, under the general laws to enforce the collection of the taxes of this State, a poll tax of twenty-five cents on each male citizen of said city over the age of twenty-one years, and an ad valorem tax on all the real and personal property situated in said city, an amount sufficient to pay the annual interest to accrue on said bonds, and a sinking fund to pay off the principal thereof within the term of twenty years, which, when collected, shall be paid to the treasurer of said city, and shall not be used for any other purpose than that for which the same is collected. The said bonds shall be receivable for any taxes assessed for city purposes, and the sinking fund shall be used in the purchase of the bonds herein named. In the month of June of each year, after the issuance of said bonds, the mayor shall advertise in a newspaper published in the city or town where said bonds may be owned, that he will purchase or pay off in the month of July following, such of said bonds as he may have funds to meet; and if any of said bonds are presented for payment, said mayor shall accept those that are offered at the lowest rate; and if none are presented, he shall draw from the whole number of the bonds which may remain unpaid, such numbers of said bonds as will make an amount equal to the amount of the special fund then in the treasury, and advertise, as aforesaid, for one month, that he is ready to pay off said bonds, drawn as aforesaid; and if said bonds are presented, he shall pay the same; and if they are not presented, they shall cease to bear interest, and the coupons thereto attachd shall not thereafter be paid. When any of said bonds and coupons are purchased or paid off as aforesaid, they shall be canceled by writing the word "canceled" plainly across the face thereof, together with the date of said cancellation, and signed by said mayor and treasurer, and shall be filed

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with the recorder of said city, who shall keep a record of the same, and file them among the archives of his office.

Article XII.

Section 1. The mayor and aldermen shall have power and authority to pass ordinances to regulate or abate bawdy houses, houses of ill-fame or of prostitution.

Article XIII.

Section 1. The qualified electors for State and county officers, who shall have resided three months next preceding an election, within the corporate limits of the city of Sherman, shall be allowed to vote for all elective officers of the corporation.

Article XIV.

Section 1. Upon the passage of this act, the persons now filling the offices of the city of Sherman shall continue in office, subject to the provisions of this act.

Sec. 2. In all questions of conflict out of the terms used and provisions made in the general law, under which the town of Sherman was originally incorporated, and the terms used and provisions made in this act, this act shall have the preference, and govern.

Article XV.

Section 1. The marshal shall be required to give bond and proper security for the faithful performance of his duties, to be approved by the mayor, with the consent of two-thirds of the aldermen; and shall be subject to removal by the mayor for cause spread upon the minutes of his court.

Article XVI.

Section 1. The division of said city into wards, as provided for in article ten, section first, of this act, shall be made before the next regular election for city officers.

Sec. 2. Not more than two aldermen shall be elected from any one ward in said city.

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Sec. 3. The act shall take effect and be in force from and after its passage.

Passed April 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the twelfth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LIV.

An Act to incorporate the Grayson County Agricultural and Mechanical Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Hobson, president; J. W. Fennet, vice president; Thomas W. Randolph, secretary, and Samuel R. Caruthers, treasurer, and George R. Reeves, A. M. Huff, William M. Shannon, W. W. Wheat, Ed. Sacre, J. C. Burris, J. Horace Lea, and William Walsh, as directors, together with such other persons as hold certificates of stock in the Grayson County Agricultural and Mechanical Association, a private company heretofore organized, their associates and successors, are hereby declared to be a body corporate, under the name and style of the "Grayson County Agricultural and Mechanical Association," with capacity to sue and be sued, plead and be impleaded, contract and be contracted with, and to do and to perform all things necessary to cary into effect the objects of their association.

Sec. 2. That the objects of said association are declared to be, the improvement of the breed of domestic animals, and the encouragement of agricultural and mechanical improvements; and for these purposes said association is authorized to purchase, import, breed, exhibit and sell any kind of domestic animals; to purchase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the mechanical, agricultural

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and manufacturing interests of the people of this State; provided that nothing herein contained shall infringe upon the rights of patentees. For the purpose of carrying out the objects above declared, said association is hereby authorized to own the necessary real estate for fair grounds, pastures and lots, not to exceed one hundred (100) acres, and to erect upon the same such improvements as may be necessary to carry out the objects of this association. That the fair grounds and other improvements of said association shall be located at the town of Sherman, in the county of Grayson, in this State.

Sec. 3. The capital stock of said association shall not exceed fifty thousand ($50,000) dollars, divided into shares of twenty-five ($25) dollars; and the affairs of said association shall be managed by a president, vice president and board of directors, to be elected by the stockholders out of their own number. The election for president, vice president, secretary, treasurer and directors, and such other officers as may be created by the by-laws of said association, shall be annual, and at such time and place as in such by-laws my be provided. In case of vacancies, the board of directors shall fill the same until the next regular election; and the directors and officers shall hold their offices until their successors are qualified.

Sec. 4. Said president and vice president, and board of directors shall have power to make all necessary rules and regulations for holding their fairs, for the preservation of order, for the prevention and suppression of the introduction or sale of intoxicating drinks on their grounds, and the protection of the fair grounds from disturbances or breach of the peace during the time of holding fairs.

Sec. 5. During said fairs, said rules shall be conspicuously posted up at the entrance gate or gates thereto; and any person who shall violate any of said rules or regulations shall be subject to a fine not exceeding fifty ($50) dollars, recoverable before any justice of the peace in Grayson couty. Any such justice of the peace, on complaint being made before him of a violation of said by-laws, shall immediately cause the arrest and punishment of the offender. Such fines shall be collected as are fines for violation of the penal laws of this State.

Sec. 6. The stockholders thereof shall be responsible

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for the debts of said association, in proportion to the number of shares owned by each one; provided, no stockholder shall be responsible for any greater amount than the value of the share or shares owned by him.

Sec. 7. No contract shall be binding on said association, unless it is signed by the president and countersigned by the secretary thereof.

Sec. 8. This act shall be in force for the period of thirty (30) years, and shall take effect from and after its passage.

Approved April 2d, 1873.

CHAPTER LV.

An Act making an Appropriation to pay Frank E. McManus one month's Salary as Special Judge of the District Court of the Fifteenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two hundred and ninety-one dollars and sixty-six cents be and the same is hereby appropriated, out of any money not otherwise appropriated, to pay F. E. McManus for one month's salary as special judge of the Fifteenth Judicial District; and that tne Comptroller of Public Accounts be authorized to draw his warrant in favor of said McManus for said sum of money; and that this act be in force from and after its passage.

Passed April 3d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fourth day of April, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER LVI.

An Act to authorize the County Court of Maverick County to issue interest-bearing bonds, and to levy a tax to pay the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Maverick County be and they are hereby authorized to issue bonds for the sum of five thousand dollars, bearing interest at the rate of twelve per cent. per annum, payable in one, two, three, four and five years; said bonds to be issued in such sums as the said County Court may determine.

Sec. 2. That the County Court of said Maverick County be and they are hereby authorized to levy and collect, annually, on all property in said county, real, personal and mixed, an ad valorem tax, not to exceed one-half of one per centum, and a capitation tax of one dollar on all male citizens over the age of twenty-one years.

Sec. 3. That the taxes authorized to be levied in section two of this act, when collected, shall be paid to the treasurer of the county, and shall be appropriated to the building of a court house and jail, and the paying off the bonds authorized to be issued in section one of this act.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved April 3d, 1873.

CHAPTER LVII.

An Act to prohibit the sale of Vinous and Spirituous Liquors in the vicinity of the Village of Midway, Madison County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, it shall be unlawful for any person to vend vinous or spirituous liquors, in any quantity whatever, in the village of Midway, in Madison county, and within two miles of the academy buildings therein erected; provided, that whenever it may be necessary to use vinous or spirituous liquors for medicinal purposes, the same may be sold upon the party wishing to buy producing a written state-

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ment signed by some practicing physician, recommending the sale thereof for medicinal purposes.

Sec. 2. Any person violating the provisions of the foregoing section shall be guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction of the same, shall be fined in any sum not less than ten nor more than one hundred dollars for every such offense.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved April 3rd, 1873.

CHAPTER LVIII.

An Act to amend "An Act to authorize the Transcript of the Records of Bowie County."

Section 1. Be it enacted by the Legislature of the State of Texas, That section first of the above recited act shall hereafter read as follows:

Sec. 1. That the County or Police Court of Bowie county be, and it is hereby authorized to cause to be transcribed from the original records now properly belonging to the office of the clerk of the District Court of said county, so much of said records as in the opinion of said County or Police Court may need transcribing, including a cross-index.

Sec. 2. Be it further enacted, That section second of the above recited act shall hereafter read as follows:

Sec. 2. That it shall be competent for the County or Police Court of said county, to levy and have collected, as other taxes, an ad valorem tax of not more than ten cents on the one hundred dollars worth of property in said county, to provide for having said transcript made. That the compensation allowed for making said transcript shall not exceed twenty cents for each one hunred words.

Sec. 3. That said County or Police Court shall not order payment for said transcript, nor shall said transcript have the force and effect of the original records, until after the said court shall cause the clerk of said court to append to each book containing said transcript, his certificate under the seal of said court, showing that

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the justices of said court, in open court, have compared said transcript, word by word, and line by line, with said original books, and that said transcript is found to be, in all respects, correct.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved April 3rd, 1873.

CHAPTER LIX.

An Act to prohibit the sale or otherwise disposing of Intoxicating Liquors within two miles of "The Acton Masonic Institute," in the County of Hood.

Section 1. Be in enacted by the Legislature of the State of Texas, That it shall not be lawful for any person or firm, either with or without license, to sell or barter, in any manner, intoxicating liquors, except for medicinal or sacramental purposes, within two miles of "The Acton Masonic Institute," an institution of learning located six and a half miles from the county seat of Hood county.

Sec. 2. That any person violating the provisions of this act, shall, upon conviction thereof, before a justice of the peace or other court having jurisdiction, be deemed guilty of a misdemeanor, and fined in any sum not less than twenty-five nor more than one hundred dollars.

Sec. 3. That this act take effect and be in force sixty days after its passage.

Approved April 3rd, 1873.

CHAPTER LX.

An Act to prohibit the sale of Intoxicating or Spirituous Liquors within two miles of Bird's Creek School House, in Bell County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That no person shall be permitted to sell any intoxicating or spirituous liquors within two miles of Bird's creek school house, in Bell county, Texas, except

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for sacramental, or, upon the prescription of some practicing physician, for medicinal purposes.

Sec. 2. Any person violating the provisions of the foregoing section shall be guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, shall be fined in a sum not less than ten nor more than one hundred dollars for each and every offense.

Sec. 3. That this act take effect and be force from and after its passage.

Approved April 3rd, 1873.

CHAPTER LXI.

An Act to prohibit the sale of Intoxicating, Spirituous or Vinous Liquors within two (2) miles of Pleasant Grove Academy, in Hunt County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons to dispose of any intoxicating, spirituous, or vinous liquors, by sale, or otherwise, except for medicinal or sacramental purposes, within two (2) miles of Pleasant Grove Academy, Hunt county.

Sec. 2. That any person or persons violating the provisions of this act, shall, upon conviction thereof, in any court of competent jurisdiction, be fined in any snm not less than ten or more than one hundred dollars, for each and every offense.

Sec. 3. That this act take effect and be in force sixty days after its passage.

Approved April 3d, 1873.

CHAPTER LXII.

An Act to provide for an Election of City Officers for the City of Columbus, and regulate their duties.

Section 1. Be it enacted by the Legislature of the State of Texas, That an election shall be held in the city of Columbus, on the first Tuesday of June next, and on

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that day and month every two years thereafter, for the election of a mayor, five aldermen, one recorder, one treasurer, and one marshal, who shall each hold his office for the term of two years from the day of his election, and until his successor shall have been duly elected and qualified. The city council of said city shall be composed of the mayor and aldermen elected and qualified as aforesaid, and the recorder shall act as clerk at their sessions. That no person shall be elected or appointed to any office in said city who is not, at the date of his election, a legal registered voter of the city, or had not been a resident within the limits thereof, for sixty days next before the day of his election or appointment, and none shall enter upon the duties of his office until he takes the oath prescribed by the Constitution of this State for all officers, and also that he was, at the date of his election or appointment, a legal registered voter of the city of Columbus, and had resided within the limits thereof for sixty days next preceding that date, which oath of office shall be made before any officer authorized to administer oaths in such cases, filed with the mayor and preserved by him in his office as a record thereof.

Sec. 2. That for the purposes of this and all other elections in said city, there shall be made a new registration of the legal voters within the said city; that there shall be procured, at the expense of the city, a suitable, well bound book, in which shall be registered the names of the electors or voters of said city, in alphabetical order, with age, nationality, and color of each voter, and numbered consecutively one to the end.

Sec. 3. That S. N. Doty, John G. Gilmore and Isaac Yates are appointed a board of registrars for said city, to act until after the close of the election in April next (any two of them may perform the duties of the board under this act); but before either of them shall enter upon the duties of his office, he shall take the oath prescribed by the Constitution of this State, before any officer authorized to administer oaths; and each of them shall have authority to administer oaths in all matters and things appertaining to said registration and election. Should either of them fail to act on the said board, it shall be the duty of the mayor of said city to fill the vacancy by appointment.

Sec. 4. Any person who may apply to said board to

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be registered, and will make an affidavit in writing that he possesses all the qualifications of a legal voter in said city, as prescribed by this act and the Constitution of this State, and that he has resided in the limits of said city for sixty days next preceding the next election (setting them out in the affidavit in full), sign and swear to the same before one of said board, it shall then be their duty to diligently inquire into the truth of the affidavit, subpoena witnesses before them and hear testimony, if deemed proper, in order to get at the truth, and if satisfied that he is legally entitled to vote in said city election, they shall then register his name in the book provided for that purpose. The affidavit of the voter shall be entered in a book kept for that purpose, and preserved with the book of registration.

Sec. 5. That for five days (Sunday excepted), before any election, the said board, or those who may act in its stead, shall hear all objections and testimony for and against the right of any registered person to vote in said city elections; and if it appear that any one has been registered at any time who has no right to vote at the next election, they shall strike his name from the list of voters and make a note of the same on the books, but not until the person objected to shall have at least one day's personal notice thereof, or three days by posting the notice at the court house door of said city, given by any voter thereof, unless he be registered within the three last days of the registration, then any reasonable notice shall be sufficient.

Sec. 6. The board shall register the names of every person who shall prove that he will be entitled to vote at the next election, though he may not be at the time he makes the application to register.

Sec. 7. The board shall give notice of registration and election by posting notice at the court house for fifteen days before the election, and shall receive applications for registration for ten days (Sundays excepted) next before any election, and until four o'clock P. M. of the day next preceding the day of election (Sunday excepted) and shall not after that hour receive any other application to register, but shall immediately make out and append a certificate to the list of registered voters, that the same has been correctly made, and that the persons named in said list they believe are entitled to vote in said

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city elections, and shall sign and swear to the same before any officer authorized to administer oaths. None but those persons whose names may be found on the said certified list of registered voters shall be entitled or permitted to vote at any of the said elections.

Sec. 8. That all the said city elections shall be by ballot, and held at the court house, in the city of Columbus, and the polls shall be opened at least from eight A. M. to four o'clock P. M., with a recess from twelve M. to one o'clock P. M.. and said elections (Sundays excluded) shall be held one day only at each election.

Sec. 9. That the mayor and two aldermen of said city shall for ten days (Sundays excluded) next before any election to be held after that in June next, act as the board of registrars, and perform all the duties thereof, in respect to registration and election, as prescribed for the board here appointed; so far as applicable, they will add to the original list furnished by the first board the names of those they may find entitled to vote, and the whole list will be subject to their revision and correction, as prescribed for the board here appointed, which said appointed board shall act as judges of the election in April next, and open the polls as herein directed, receive the ballots of all voters legally registered who shall offer to vote, and place on each ballot the consecutive number corresponding with that placed opposite the voter's name on the clerk's list of the names of those voting, and then deposit it in a ballot box to be procured for that purpose, in full view of the voter himself, and shall check off the name of the person thus voting by marking opposite his name on the book of registry the letter "V;" and the said board shall appoint a clerk, who under the directions of the judges of the election, shall keep a correct list of the names of the persons who may vote, which list of names shall be numbered from one to the end consecutively, signed and sworn to by the judges and clerk to be correct, and shall be kept with the book of registration. If the mayor and aldermen should fail or refuse to open and hold the election and registration as here directed, then the presiding justice of Colorado county shall appoint three suitable persons, voters of the city, who shall conduct the registration and election as here directed.

Sec. 10. That immediately after the close of the polls

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on the day of election the judges and clerk shall proceed to count the ballots in presence of at least two voters of the city of good repute, one of each party, and make out a list of all the names of the persons and officers voted for, and the number of ballots for each person, the number of ballots found in the ballot box, and the number rejected, if any, and the reason therefor; and the said judges will then determine the name of the persons elected to each office, who shall be the one receiving the highest number of votes at said election. This statement shall be signed and sworn to by them; and the said judges shall forthwith give certificates to those persons who may be elected; and they shall take the oath of office heretofore prescribed, and be installed into office within ten days after the election; and the said judges shall, within five days after the election, transmit to the mayor of the city all the books, ballots and papers appertaining to said registration and election, to be preserved by him in his office as records thereof. That the board of registrars shall be entitled to twenty cents for each person they may register, and each of them and the clerk two dollars and fifty cents for holding the election, to be paid by the city, for which the council will make the proper orders to pay the same.

Sec. 11. That in case of a vacancy in any of the offices of said city from any cause before the next succeeding regular election, it shall be the duty of the city council to fill the same by appointment, for the residue of the term thus vacated.

Sec. 12. That the duties and powers of the marshal shall be coextensive with the limits of said city, and similar to those of the sheriff or constables of said county of Colorado; and he shall attend upon the city council at its meeting, and obey its legal orders, and shall have the power to go beyond the limits of the city to arrest offenders aginst the laws or ordinances of the city or State, and to perform any other duty incident to his office. Before he enters upon the duties of his office he shall give bond, with two or more good and sufficient securities, in the sum of one thousand dollars, conditioned to pay over and fully account for all funds or money that may come to his hands to the city, or the person entitled to the same, and perform all the duties incumbent on him as marshal aforesaid, to be approved by the city council, and preserved by

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the mayor in his office. And that the treasurer shall, before he enters upon the duties of his office, give bond, with two or more good and sufficient secureties, in the sum of two thousand dollars, or more, if required and fixed by the council, conditioned faithfully to keep, pay over and account for all money or funds or other property that may come into his hands as treasurer of the city of Columbus, and to perform faithfully all the duties incumbent on him as the treasurer of said city, to be approved by the council, and preserved by the mayor in his office. The duties of the treasurer, shall be similar to those of the county treasurer, so far as applicable.

Sec. 13. Should there be a tie in any of the said elections, the judges will so determine, and order and hold another on the following Tuesday, and hold the same as herein prescribed for regular elections.

Sec. 14. Should any officer of said city willfully fail or refuse to perform any of the duties of his office, or use for his own benefit, or other person not entitled thereto, any of the funds or money of the city, or contract, directly or indirectly, for any debt or liability against the city, order or draft on the treasurer thereof, scrip or other claims for which the city, or any of its funds or money, may be at all liable, he shall be removed from office, by motion and proceedings had in the County Court of Colorado county for that purpose, but shall be notified of the same and allowed all legal defense in his behalf; and shall be fined by the mayor, or other officer having jurisdiction, a sum not exceeding one hundred dollars. All officers and agents appointed by the city council may be removed by them at any time.

Sec. 15. That all laws now in force in this State regulating registration and elections, or that may hereafter be enacted, shall apply to and govern the registration and election in the said city, except so far as may be in conflict with this act, or may not be applicable. And that section[s] three, five, eighteen and nineteen of an act entitled "An act to incorporate the city of Columbus, and for other purposes," approved August 15th, 1870, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved April 3rd, 1873.

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CHAPTER LXIII.

An Act to Incorporate the South Sulphur Bridge and Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Josiah Gregg, his associates and assigns, are hereby created a body corporate and politic, with the right and privileges hereinafter set forth.

Sec. 2. That the said Josiah Gregg, his associates and assigns, shall have the privilege to construct a toll bridge across South Sulphur, in Hopkins county, at the crossing three miles from Sulphur Bluff, and on the road leading from the above-named place to Paris, in Lamar county, at the crossing known as the "Gregg Crossing," on said stream; also, the privilege of constructing bridges over sloughs across said road; also, the privilege of levying the bottom of said stream, so as to make the road safe and easy to pass over, whenever the bottom of said stream is not overflowed.

Sec. 3. That Josiah Gregg, his associates and assigns, shall have twelve months from the passage of this act to build and complete the work contemplated by this act; and when the work is completed, it shall be the duty of the County Court, or two or more of the members thereof, to examine the work and the road, and if found in good condition, and extending across the bottom of said stream, and done in accordance with this act, then they shall certify the facts under their hands and the seal of the County Court, and deliver the same to the said Josiah Gregg.

Sec. 4. That the said Josiah Gregg, or assigns, with sureties, shall enter into bond in the sum of one thousand ($1000) dollars, payable to the County Court of Hopkins county, conditioned to pay all damages any person or persons may sustain in crossing over said road and bridges by reason of said road and bridges being out of repair; and the said bond may be put in suit by any person who has been damaged as aforesaid; said bond to be approved by the County Court of Hopkins county, and recorded in the office of the district clerk of said county.

Sec. 5. That when all the conditions hereinbefore set forth have been complied with, the said Josiah Gregg and his associates or assigns, shall have the privilege of

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erecting a toll gate, and to collect the following tolls: For four-horse or ox wagons, fifty cents. For two-horse or ox wagons, twenty-five cents. For carriage or buggy, twenty-five cents. For loose horses, per head, five cents. For cattle, per head, five cents. For hogs, sheep or goats, three cents. For footmen, five cents.

Sec. 6. That no bridge or ferry for toll shall be established within three miles above, or three miles below said bridge and turnpike, without the consent of the corporate body herein named; provided, however, that this act shall not be so construed as to prohibit neighborhood crossings within three miles of said bridge and turnpike.

Sec. 7. That any person crossing said bridge, and refusing to pay the toll as herein provided for, shall forfeit the sum of five dollars for each and every offense, to be recovered before any justice of the peace of said Hopkins county, as in any other case of trespass.

Sec. 8. That the privileges herein granted shall continue for fifteen years from the completion of the work herein contemplated.

Sec. 9. That this act be in force from and after its passage.

Passed April 4th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the seventh day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the tome prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LXIV.

An Act for the Relief of W. M. Jackson.

Whereas, John N. Dickson, late district attorney of the 13th Judicial District of this State, resigned said office and accepted a position in the Department of Public Instruction of this State, about the first day of October, A. D. 1872; and,

Whereas, The said office of district attorney of said

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district was vacant at the fall term of the District Court for Parker county, commencing on the first Monday in October, 1872, and continued vacant during the succeeding terms of said court for Jack county and Palo Pinto county, a period of two months; and,

Whereas, Hon. Charles Soward, judge of said district, appointed W. M. Jackson, an attorney of the courts of this State, district attorney pro tem. for the term of said court of each of said counties; and,

Whereas, Said W. M. Jackson, duly qualified and served as district attorney for the said terms of said court; and,

Whereas, During the time said W. M. Jackson served as district attorney as aforesaid, no person was in receipt of the salary allowed by law to district attorneys in said thirteenth district, nor has any person received or applied for such salary for said time:

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two hundred dollars, out of any money not otherwise appropriated in the Treasury of the State, and that the Comptroller issue his warrant on the Treasurer for the same, be and the same is hereby appropriated for the payment of the said W. M. Jackson for services rendered as district attorney of the 13th Judicial District of this State.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed April 4th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twelfth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER LXV.

An Act to incorporate the City of Austin.

Article I.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that district of country contained within the following limits, to wit: Beginning at a point in the channel of the Colorado river, where the west line of West avenue intersects the same; thence up the said avenue, with its west line, to Shoal creek; thence up Shoal creek, with its meanders, to the lower corner of lot No. 28, in division "D;" thence north 71 degrees east, with the southern line of division "D" and "C," to the most southern corner of lot No. 26, in division "E;" thence with the southern line of lot No. 44, in division "B," to the most eastern corner; thence nearly south, with the eastern line of lots No. 39, 38, to northeast corner of lot 56, in division "B;" thence with the north line of lots 56 and 55, division "B," to the east line of East avenue; thence south 19 degrees west with the east line of said East Avenue to the center of the channel of the Colorado river; thence with the channel of said river to the place of beginning; is hereby erected into a city, by the name of the City of Austin.

Article II.

Section 1. That the inhabitants of the city of Austin, as the same extends and is laid out above, be, and they and their successors are hereby constituted a corporation and body politic, in fact and in law, by the name and style of the City of Austin; and by the same name shall have perpetual succession; shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said city, and may sell, lease or dispose of the same for the benefit of the city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, and may sell, lease or dispose of such property for the benefit of the city. They shall have and

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use one common seal, and may break, change, alter and make a new seal at pleasure.

Article III.

Section 1. That the city of Austin shall be divided into eight (8) wards. The boundaries thereof shall be fixed by the city council, and be by the council changed from time to time, as they shall see fit, having regard to the number of male inhabitants, so that each ward shall contain, as near as may be, the same number of male inhabitants.

Article IV.

Section 1. That an election shall be held on the first Monday in November, 1873, and every two years thereafter, for the election of a city council, to consist of a mayor and board of aldermen, a city marshal, and a city treasurer, who shall respectively hold their offices for two years, and until their successors are elected and qualified; that the board of aldermen shall consist of one member from each ward, to be chosen by the qualified voters of their respective wards; and no person shall be an alderman unless he be a citizen of the State of Texas, and shall have resided within the city limits for six months preceding his election, and a bona fide resident of the ward for which he is elected, for at least thirty days preceding his election. That if any alderman shall, after his election, remove from the ward for which he is chosen, his office shall thereby be vacated. The city council shall judge of the election returns and qualifications of its own members, and shall determine contested elections of all city officers made elective under this act, or any ordinance of the city. The majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as they may prescribe. The city council may determine the rules of its proceedings, punish its members for disorderly behavior, and with the consent of two-thirds of the members elected, expel a member, but not a second time for the same offense. The city council shall keep a journal of its proceedings, and whenever practicable publish the same in a newspaper

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of the city; and the yeas and nays of the members on any question shall, at the desire of any two of those present, be entered on the journal. No alderman shall, during the time for which he was elected, be appointed to any office under the city. All vacancies that shall occur in the board shall be filled by election in such manner as shall be provtided for by ordinance. Each alderman shall, before entering upon the duties of his office, take the oath prescribed by the Constitution of the State of Texas, and that he will faithfully discharge the duties of his office; they shall be conservators of the peace, and shall receive such compensation as may be prescribed by ordinance. Whenever there shall be a tie in the election of aldermen, the judges of the election shall certify the same to the mayor, who shall immediately thereon issue his proclamation, stating such facts, and ordering a new election, except in cases of contested elections, where the city council determine the contest in favor of one of the candidates.

Article V.

Section 1. There shall be stated sessions of the city council, and they shall be held at such time and place as shall be prescribed by ordinance; upon the passage of all ordinances appropriating money, of ordinances imposing taxes, increasing, lessening or abolishing licenses, and of ordinances for borrowing money, the yeas and nays shall be entered on the journal. But no ordinance for borrowing money shall pass, except by a vote of two-thirds of the whole council. All ordinances shall be read in council on three several days, unless two-thirds of the members elected, of the board, shall dispense therewith. A majority of the members of the city council shall be necessary to pass an ordinance appropriating, for any purpose, the sum of five hundred dollars or upwards, or for passing an ordinance in any wise diminishing or increasing the city revenue.

Article VI.

Section 1. That the mayor and city council shall have power within the city, by ordinance:

First—To levy and collect an annual tax, not exceeding

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one per centum upon all property within the limits of the city, made taxable by law for State and county purposes.

Second—To raise money on the credit of the city, by issuing bonds of the city, or otherwise; provided, the debt of the city shall not, at any one time, exceed one hundred thousand dollars, except by consent of two-thirds of the citizens voting at an election ordered for that purpose, after thirty days notice by the mayor, by the authority of, and in the method that may be prescribed by the city council.

Third—To appropriate money, and to provide for the payment of the debts and expenses of the city.

Fourth—To make regulations to prevent the introduction of contagious diseases into the city.

Fifth—To establish hospitals, and make regulations for the government thereof, within or without the city limits.

Sixth—To make regulations to secure the general health of the inhabitants, and prevent and remove nuisances.

Seventh—To construct water works, gas works and street railroads, within or beyond the city limits, or both; to provide the city with water and gas, and to erect hydrants, fire plugs and pumps in the streets; to erect the necessary machinery, lamp posts, etc., for lighting the city, within or beyond the limits of the city, for the convenience of the inhabitants of the city and environs.

Eighth—To open, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in repair streets, lanes, avenues or alleys.

Ninth—To establish, erect and keep in repair bridges, culverts and sewers, and regulate the use of the same; to establish, alter and change the channel of water courses, and to wall them up and cover them.

Tenth—To provide for the lighting of the streets, and erecting lamps thereon.

Eleventh—To establish, support and regulate nightwatch and patrols.

Twelfth—To erect market houses, establish markets and market places, and to provide for the government and regulation thereof.

Thirteenth—To provide for the erection of all needful buildings for the use of the city.

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Fourteenth—To provide for the inclosing, improving and regulating all public grounds belonging to the city.

Fifteenth—To license, tax and regulate auctions, grocers, merchants, retailers, hotels and boarding houses, and to license, tax, regulate and suppress ordinaries, hawkers, peddlers, brokers and pawn-brokers, money changers and bakeries.

Sixteenth—To license, tax and regulate hackney carriages, omnibuses, wagons, carts and drays, and fix the rates to be charged for carriage of persons, and of wagonage, cartage and drayage of property.

Seventeenth—To license and regulate porters, and fix the rate of porterage.

Eighteenth—To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

Nineteeth—To license, tax and regulate billiard tables, tippling houses and dram shops, and to suppress gaming and gambling houses, and other disorderly houses, and suppress bawdy houses.

Twentieth—To provide for the prevention and extinguishment of fires, and organizing and establishing fire companies; also, to regulate and restrain, and prohibit the erection of wooden buildings in any part of t' e city; to regulate and prevent the carrying on of manufactories, dangerous in causing or producing fires; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire, all idle and suspicious persons lurking near the same, and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat; and with such other powers and duties as may be prescribed by ordinance to compel the owners of houses and other buildings to have scuttles upon the roof of any such houses and buildings, and stairs and ladders leading to the same.

Twenty-first—To regulate and order the cleaning of chimneys and to fix the fees thereof.

Twenty-second—To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials, and the use of lights and candles in all stables, shops and other places; to remove and prevent the construction of any fire-place, hearth, chimney, stoves, ovens, boilers, kettles or apparatus used in any house, building,

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manufactory or business which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and severally to enter into or appoint one or more officers at reasonable times to examine all dwellings, houses, lots, yards, enclosures, buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous, to be put in safe and secure condition.

Twenty-third—To regulate and prescribe the manner and order the building of partition and parapet walls, and of partition fences.

Twenty-fourth—To establish standard weights and measures, and to regulate the weights and measures to be used in the city, in all cases not otherwise provided by law.

Twenty-fifth—To provide for the inspection and measuring of lumber and other building materials.

Twenty-sixth—To provide for the inspection and weight of hay, the measuring of charcoal, fire-wood, and all other fuel to be used in the city.

Twenty-seventh—To regulate the inspection of lard, butter and other provisions; to regulate the vending of meat, poultry and vegetables; to restrain and punish the forestalling of poultry, butter, eggs and fruit, and to suppress hucksters.

Twenty-eighth—To regulate the weight, quality and price of bread to be sold and used in the city.

Twenty-ninth—To regulate the size of brick made or sold in the city.

Thirtieth—To provide for the taking of an enumeration of the city.

Thirty-first—To provide for the removing from office any person holding an office created by this act, or by ordinance, not otherwise provided for.

Thirty-second—To provide for the appointment or election of all officers, servants and agents of the corporation, not otherwise provided for.

Thirty-third—To fix the compensation of the city officers not herein provided for, and regulate the fees of all jurors, witnesses and others, for services rendered under this act or any ordinance.

Thirty-fourth—To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of

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any ordinance, and to provide for the recovery and appropriating such fines and forfeitures, and the enforcement of such penalties; provided, that no fine shall exceed one hundred dollars and imprisonment, not exceeding fifteen days, for any one offense.

Thirty-fifth—To erect a work house and house of correction, and provide for the regulation and government thereof.

Thirty-sixth—To regulate and license all ferries and toll bridges within the limits of the city.

Thirty-seventh—To remove all obstructions from the streets and sidewalks, and, at the expense of the owners of the ground fronting thereon, to provide for the construction, paving, repairing and cleaning of all sidewalks and gutters.

Thirty-eighth—To prevent the assemblage of idle persons at or near store house doors, whereby the trade of such house, or persons passing, are interrupted; and also to prevent and restrain any riot, rout, disturbance or disorderly assemblage in any street, house or place in the city.

Thirty-ninth—To prevent and remove all encroachments in and upon all streets, lanes, avenues and alleys established by law or ordinance.

Fortieth—To establish cemeteries within or without the limits of the city, and to regulate the same.

Forty-first—To exercise complete and perfect control over the commons and all the property belonging to the city, real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, in part or whole, transfer and dispose of, either absolutely or within limitation, to any person or persons whatsoever; and generally to make such rules, regulations, by-laws and ordinances for the purpose of maintaining the peace, good government and order of the city of Austin, and the trade, commerce and manufactory thereof, as the city council may deem expedient, not repugnant to the laws and Constitution of this State; and also to enforce the observance thereof by inflicting penalties upon any inhabitant thereof, or other person or persons, for the violation of any ordinance, not exceeding one hundred dollars and imprisonment not exceeding fifteen days, for any one offense, recoverable, with costs, by suit by and in the name of the city of Aus-

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tin, for the use of the city, before any court having cognizance of the same.

Article VII.

Section 1. That the city council shall have power, subject to the restrictions in the preceding section, to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in the preceding section, and all other powers vested by this act in the corporation, the city government, or any department of officers thereof. No money shall be expended, nor shall any improvement be ordered, involving an expenditure of money, except by ordinance, the provisions of which shall be specific and definite. Every ordinance which shall have been passed by the city council shall, before it becomes a law, be presented to the mayor for his approval; if he approves, he shall sign it; if not, he shall return it, with his objections, to the board of aldermen, which objections shall be entered at large on the journal, and the ordinance shall be reconsidered. If, after such reconsideration, two-thirds of the members of the board shall agree to pass the same, it shall be inforce as an ordinance. In all such cases the votes of the city council shall be taken, yeas and nays, and entered on the journal. If any ordinance shall not be returned by the mayor in five days (Sunday excepted) after it shall have been presented to him for his approval, the same shall be in force as an ordinance, in the same manner as if he had approved and signed it. Every resolution of a general character, or relating to any matter in which the public are interested, shall be presented to the mayor, and before the same shall take effect, shall [be] proceeded upon in the same manner as in case of [an] ordinance. The style of the ordinance of the city [shall be], "Be it ordained by the city council of the city of Austin." All ordinances passed by the city council shall, before they become laws, be published in the city of Austin for ten days. All ordinances of the city may be proven by the seal of the corporation; and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof. The president of the board of aldermen shall exercise the same duties and receive the compensation of the mayor,

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whenever, and so long as, from any cause, said office of mayor shall be vacant, or the mayor be absent from the city.

Article VIII.

Section 1. That the chief executive officer of the city shall be the mayor, who shall be elected, as hereinbefore authorized, by the qualified voters of the city, and who shall hold his office for the term of two years, and until his successor is elected and qualified, and whose salary shall be six hundred dollars per annum, with such fees of office as may be prescribed by law or ordinance. No person shall be mayor who, at the time of his election, is not possessed of the qualification required for an alderman, or who holds any lucrative office under authority of the United States or any State; he shall, before entering upon his duties, take the oath prescribed by the Constitution of this State, and to faithfully and impartially perform his duties. When two or more persons shall have an equal number of votes for the office of mayor, the city council shall order a new election, except in case such election is contested, and the board of aldermen decide in favor of one of the candidates. Whenever an election for mayor shall be contested, the city council [shall] determine the same by vote. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election in such manner as shall be provided for by ordinance, in which case the mayor so elected shall hold the office for the unexpired term only. The mayor may be removed from office, for any misdemeanor in office, by a majority of two-thirds of a full board of aldermen. The mayor shall have power to nominate, and by and with the consent of the board of aldermen, to appoint all city officers not ordered by this act to be otherwise appointed or elected; he shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties accruing from, or imposed for, the violation of any ordinance of the city; he may fill all vacancies which may occur in any elective officer [office], other than that of alderman, until the same be filled by election, and in any other office until the end of the session of the board of aldermen which shall happen after the

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vacancy shall have occurred; he shall from time to time, give the city council information relative to the state of the city, and shall recommend to their consideration such measures as he may deem expedient for the advantage of the city. The mayor may call special sessions of the city council by notice served on them. Whenever a special session of the city council shall have been called by the mayor, he shall state to them, when assembled, the cause for which they have been convened.

Article IX.

Section 1. There shall be a city treasurer, city marshal and a city attorney, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the mayor, by and with the consent and advice of the board of aldermen, and to perform such other duties as may be prescribed by ordinance. The city treasurer and city marshal shall be elected in the same manner as the mayor, and the city attorney shall be appointed by the mayor, by and with the advice and consent of the board of aldermen. They shall hold their office for two years, and until their successors are duly qualified, and may be removed from office by a majority of two-thirds of a full board of aldermen. It shall be the duty of the city treasurer to receive and keep the money of the city, and to pay out the same on warrants drawn by the mayor. The city marshal shall, within the city, in matters of a criminal nature arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation, as a constable of Travis county. He shall execute and return all process issued by the mayor, president of the board of aldermen when acting as mayor, or justice of the peace, under this act or ordinance of the city.

Article X.

Section 1. That the mayor and all other officers of the corporation shall reside within the limits of the city during their continuance in office; and if the mayor or

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any other officer of the corporation shall cease to reside within the limits of the city, his office shall thereby be vacated. The mayor shall have the same jurisdiction as justice of the peace within the city limits, in all criminal cases, and shall have the right to solemnize the rites of matrimony. He shall have jurisdiction over all cases arising under any ordinance of the city, subject, however, to an appeal, or writ of certiorari, in all cases to the district court; and every such appeal shall be taken and granted in the same manner as appeals or certiorari are taken and granted from justices courts to the district courts, under the general laws of the State; and in all cases arising under any ordinance of the city, and appeal from the mayor's court to the district court, either party shall have the right of appeal from the judgment of the district court to the Supreme Court, in the same manner as appeals are taken to the Supreme Court under the general laws of the State. He shall charge in all cases the same fees which are now allowed to justices of the peace for the same kind of services, which shall be charged and collected as other costs, and shall act as president of the board of aldermen.

Article XI.

Section 1. At all elections for city officers, the voters shall vote by ballot, and shall vote at such time and place as the council shall prescribe. Every male inhabitant of the city, qualified to vote for State and county officers of Travis county, who has resided six months within the limits of the city, and who is not in arrears in the payment of his city taxes, shall be qualified to vote at the elections for city officers under this act; but no person shall vote for aldermen unless he has resided for thirty days preceding the election, in the ward in which he proposes to vote. Judges of elections shall be appointed by the board of aldermen; they shall take an oath to faithfully and impartially discharge their duties; they shall open the polls at nine o'clock, and close them at sunset, when they shall forthwith proceed to ascertain and certify the result of the election, in the presence of so many of the candidates, or other persons, of all parties, and indiscriminately, as can be conveniently accomodated in the room selected for the purpose. No election shall be held in a

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grog-shop, or other place where intoxicating liquors are vended. The election for city officers shall be but one day, and during that day the polls shall not be closed on any pretense whatever. Special elections, to fill vacancies, shall be held, under such regulations as may be provided for by law or ordinance. At elections there shall not be any count of the ballots until the polls are closed.

Article XII.

Section 1. That it shall not be lawful for the city council to grade, pave, macadamize, water or light any street, lane, or avenue not established or opened by law or ordinance. It shall be lawful, nevertheless, for the city council to compel the owner or owners of ground fronting on any private alley to keep the same clean, and, if necessary thereto, to compel him or them to pave the same. When it is necessary to take private property for opening, widening or altering any public street, lane or avenue, the corporation shall make a just compensation therefor to the person whose property is so taken. If the amount of compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested persons, freeholders of the city. In opening, altering or widening alleys through the blocks or squares of the city, the same proceedings shall be had as in case of altering or widening public streets, lanes, or avenues, with this addition, that the jury shall ascertain the amount of benefit that shall accrue to the person whose property is taken, and those who may have petitioned for the opening, widening or altering of such alley. When the owner of the major part of the front of the property on the street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the mayor and the city council may open, widen or alter such street, lane, avenue or alley, upon condition to be prescribed by ordinance. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owner of the property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest, in writing, signed by each juror; and it shall be lawful for any person or persons owning all the lots composing any block in the city, by

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authority of the city council, to close the alley crossing such block for such time, either perpetually or temporarily, as may be provided by ordinance.

Article XIII.

Section 1. That the mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as mentioned in the preceding section, to set the same aside, and cause a new inquest to be made. The mayor and the city council shall have power, by ordinance, to enforce the payment of all sums which a jury may declare to be the amount of benefits accruing to the owners of property upon any alley which shall be opened, widened or altered. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, according to the respective fronts owned by them, for the purpose of paving or embellishing with shade trees, or grading such street, lane, avenue or alley; provided, always, such tax shall not exceed one per centum of the value of said lot; but the grading or paving may be done at the sole and exclusive expense of the owners of the lots fronting on the street, lane, or avenue or alley, if a petition for such paving and grading, signed by the owners of a major part of the ground fronting thereon, or adjoining thereto, be presented for such purpose. The city council shall have power, by ordinance, to direct the manner in which any property, real or personal, advertised for sale, or sold for taxes by authority of the corporation, may be redeemed. Lands within the limits of the city, which have not been laid off into blocks or lots, shall not be assessed or taxed, otherwise than by the acre, as agricultural lands, and shall continue to be so assessed and taxed until laid off into blocks or lots, by the owners thereof, respectively; and the owners of such lands, in laying off the same into blocks or lots, shall so arrange the streets that they shall correspond with previously established streets of the city.

Article XIV.

Section 1. That the city council shall cause to be published, within one month after the end of each fiscal

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year, a full, complete and detailed statement of all moneys received and expended, classifying each receipt and expenditure under its proper head. All ordinances and resolutions now in force in the city of Austin, and not inconsistent with this act, shall remain in force until altered, modified or repealed, under this act. All suits, actions and prosecutions instituted, commenced or brought, by or against the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Austin. All actions, fines, penalties and forfeitures, which have accrued to the city council of Austin, or the city of Austin, shall be vested in, and prosecuted for, by the corporation hereby created. All property, real or personal, heretofore belonging to the inhabitants of the city of Austin, or the trustees of said town, in their corporate capacity, or the mayor, aldermen and citizens of the city of Austin, or to the city council of the city of Austin, or to the city of Austin, shall be and the same is hereby declared to be vested in the corporation hereby created. This charter shall not invalidate any act done by the mayor, aldermen or citizens of the city of Austin, the city council of the city of Austin, or the city of Austin, nor divest them of any right which may have accrued to them prior to the passage of this act. This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof. The city of Austin shall have power to erect and organize, and regulate a work house within or without the city limits, and within Travis county; and any person who shall fail or neglect to pay any fine or costs imposed on him by any ordinance of the city of Austin, for any misdemeanor or breach of any ordinance of said city, may, instead of being commited to jail or calaboose, be committed to the work house until such fine and costs be fully paid; provided, however, that no such imprisonment shall exceed the period of sixty days for any one offense. Every person so committed to the work house shall be required to work for the city at such labor as his strength and health shall permit, within or without said work house, not exceeding ten hours each day; and for such work and labor, the person so employed shall be allowed, exclusive of his board, such amount as may be fixed by ordinance, not to exceed one dollar per day for each day's work, which amount shall go towards paying such fine and costs.

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Article XV.

Section 1. That the inhabitants of the city of Austin are hereby exempted from working upon any road beyond the limits of the city. The city shall not, at any time, become a subscriber for any stock in any incorporation. The fiscal year of this city shall terminate on the day preceding the day of election, as hereinbefore provided in each year. Whenever any city officer, accountable as such for any money received or receivable by him, shall neglect or refuse to pay over or account for the same, on balance properly due by him to the city upon the adjustment of his account, the mayor shall order suit to be commenced in the proper court against such delinquent officer for such sum or balance, adding thereto, as a penalty, ten per cent. commission of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and interest at twelve per cent. per annum from the time of receiving the money, or when it shall have been received, until it shall be paid into the treasury.

Article XVI.

Section 1. That one-half, at least, of the revenue of each year shall be appropriated to defraying the back debts, if any, owing by the city. A separate account shall be kept of such appropriations and disbursements thereof; provided, however, an excess at the end of any fiscal year, remaining after the payment of back debts, may be used for the discharge of other obligations and contracts of the city, and may be so appropriated. A separate account shall be kept of the revenue applicable to the different objects in this act indicated, and of the disbursements on account of each; and there shall be made by the proper officers quarterly accounts, and at the end of each fiscal year there shall be published, under direction of the city council, a statement showing the receipts and disbursements for the last fiscal year. No warrant, bond, bill or note shall be issued by the city to any creditor of the city for less than one hundred dollars, unless the amount due by the city to such creditor be less than one hundred dollars, or the balance remaining due to such creditor, after the issue to them of such one hun-

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dred dollar securities. The present city council shall exercise all of the powers and functions vested in the council under this act.

Article XVII.

Section 1. Every person owning any animal which shall die within the city, or within one thousand yards of the city limits, shall remove such animal, or cause the same to be removed, at least one thousand yards beyond the limits of the city, as defined by this act; and any person violating this section shall be deemed guilty of a misdemeanor, and, on conviction in a court having jurisdiction, shall be punished by a fine not exceeding one hundred dollars.

Article XVIII.

Section 1. The officers of the city of Austin elected at the last general election shall continue in office until the first election provided for by this act, unless removed from office as herein provided. That all acts and parts of acts in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect from its passage.

Approved April 5th, 1873.

CHAPTER LXVI.

An Act to prohibit the sale of Intoxicating, Spirituous or Vinous Liquors within two miles of Hackberry Grove Academy, Collin county.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons to sell or dispose of any intoxicating, spirituous or vinous liquors, by sale or otherwise, except for medicinal or sacramental purposes, within two miles of Hackberry Grove Academy, in Collin county.

Sec. 2. And that any person or persons violating the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars for each and every offense.

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Sec. 3. This act take effect and be in force from and after its passage.

Approved April 7th, 1873.

CHAPTER LXVII.

An Act supplemental to, and amendatory of an Act entitled "An Act to incorporate the Odd Fellows Hall and Building Association of Bryan, Texas," approved December 1, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That besides the objects enumerated in Section 1, of said original act, shall be authorized to build and construct houses, to make improvements upon real and personal property, to construct and carry on manufactories, to deal in money, stocks, and other securities, to discount notes and acceptances, to receive money on deposit, and generally to use its capital and funds in any lawful manner.

Sec. 2. That the officers and managers of this association shall consist of seven directors, to be elected by the stockholders, one president, a vice-president, a secretary and treasurer, to be selected by the directors, to be selected at such time and in such manner as shall be provided by the by-laws of said association. Such officers shall receive such compensation as shall be allowed by the by-laws, and shall hold their offices for the term of one year, subject to removal in such manner as the by-laws may provide.

Sec. 3. That the capital stock of this association shall, as in the original act, be divided into shares of ten dollars each, payable in such installments as the board of directors may provide, and each share shall entitle the holder to one vote. Any share holder failing or refusing to pay such installments, shall, after twenty days notice, given in such manner as the by-laws may provide, forfeit such stock.

Sec. 4. That this association may, at any time, should a majority of the shares deem it to the interest of this association, or necessary to carry out the objects of its organization, unite or consolidate with, or merge into any other corporation, upon a vote of a majority of the shares at a meeting of the shareholders called for that purpose.

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Upon such consolidation or merger, the share holders shall receive the stock of such other corporation in lieu of their own shares in this association.

Sec. 5. That all the sections and parts of sections of said original bill only, which are inconsistent herewith, or in conflict with the provisions of this act, are hereby repealed.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved April 7th, 1873.

CHAPTER LXVIII.

An Act to incorporate the Odd Fellows' Male and Female College, located at Pittsburg, Upshur County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That M. F. Cheney, P. C. Johnson, Rev. J. M. Greene, Rev. M. T. Arnold, and J. H. Redding, and their successors in office be, and they are hereby constituted a body corporate and politic, for educational purposes, by the name and style of "Pittsburg Odd Fellows' Male and Female College;" by which name they may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, or may acquire the same by gift, bequest or otherwise; may have a common seal to authenticate their acts, for the purpose and object of maintaining an institution of learning at Pittsburg, Upshur county, Texas, under the supervision of Lodge No. 135 of the Independent Order of Odd Fellows, located in said town and county.

Sec. 2. That the management of said college shall be vested in the aforesaid body corporate and their successors, as a board of trustees, and they shall elect one of their number chairman of the board; they shall also elect one treasurer and one Secretary. The chairman shall preside at the meetings of said board, but in his absence a chairman pro tem. may be appointed by said board. The treasurer shall keep a correct statement of all moneys that may come into his hands for the use of the college, and shall pay them out only on the authority of the board. The secretary shall make and keep such records

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as the board shall order; and both treasurer and secretary may be removed from office by the board for cause; and all officers elected or appointed under the provisions of this charter shall hold their offices for twelve months, if not removed as herein provided.

Sec. 3. That the board of trustees shall have full authority to make such rules, regulations and by-laws, for the government of either themselves or the college, as a majority of them may see proper to enact, not inconsistent with the Constitution and laws of the State.

Sec. 4. That the faculty shall consist of the president, professors and teachers, and shall have power to enforce all laws adopted by the board of trustees for the government of the college, by such measures as may be considered reasonable; and shall have power to suspend any student who may knowingly violate the laws, which suspension shall last until the board of trustees can be convened, who, conjointly with the faculty, shall have power to continue or remit the suspension; they shall also have authority to expel disorderly students.

Sec. 5. That the board of trustees, conjointly with the faculty, shall have authority to confer such degrees in the arts and sciences upon any student of the college, or other person or persons, as they may consider worthy, as are usually conferred by similar institutions, and to grant certificates thereof, signed by the faculty and trustees, and authenticated by their corporate seal.

Sec. 6. That this act take effect and be in force from and after its passsage.

Approved April 7th, 1873.

CHAPTER LXIX.

An Act amendatory of an Act entitled "An Act to incorporate the City of Austin," passed March, 1873.

Section 1. Be it enacted by the Legislature of the State of Texas, That article one of the above recited act shall hereafter read as follows:

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Article I.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that district of country contained within the following limits, to-wit: Beginning in the centre of the channel of the Colorado river at low water, where the west line of the government tract intersects the same; thence in a northerly direction with the west line of said government tract to the northwest corner of lot No. 71, in division "D;" thence in an easterly direction with the northern boundary of lots 71, 70, 69, 68, 14, 13, 12, 11 and 10 of said division "D" to the northeast corner of lot ten; thence south with the east boundary line of lot ten to Waller's creek; thence down the centre of Waller's creek to the southwest corner of lot No. one in division "C;" thence along the south boundary line of lots No[s]. one and twenty-six of said division to East Avenue; thence across East Avenue to the southwest corner of lot forty-four, in division "B;" thence with the south line of said lot No. forty-four to its southeast corner; thence south with the east line of lots No[s]. thirty-nine, thirty-eight and fifty-six, in said division, to the southeast corner of lot fifty-six; thence on a straight line to the northeast corner of lot five, in said division "B;" thence south with the eastern boundary of said lot five to its southeast corner; thence south to the northeast corner of lot No. four, in division "A;" thence south with its eastern boundary line to its southeast corner; thence south to the northeast corner of lot four in division "O;" thence south with the east boundary line of lots No[s]. four, twenty, thirty-four, forty-six, fifty-seven and sixty-nine, to a point where the extension of said line would intersect the centre of the Colorado river at low water; thence up the center of said river with its meanderings to the place of beginning; is incorporated a city, by the name of "The City of Austin."

Sec. 2. And be it further enacted, That article eleven of the above recited act, shall hereafter read as follows:

Article XI.

Section 1. At all elections for city officers the voters shall vote by ballot, and shall vote at such time and place as the council shall prescribe. Every male inhabitant of

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the city, qualified to vote for State and county officers of Travis county, who have resided six months in the limits of the city, shall be qualified to vote for city officers under this act, and no person shall vote for aldermen, unless he has resided thirty days preceding the election in the ward in which he proposes to vote. Judges of election shall be appointed by the board of aldermen; they shall take an oath to faithfully and impartially discharge their duties; they shall open the polls at nine o'clock A. M., and close them at sunset, when they shall forthwith proceed to ascertain and certify the result of the election, in the presence of so many of the candidates, or other persons, of all parties, indiscriminately, as can be conveniently accommodated in the room selected for the purpose. No election shall be held in a grog-shop, or other place where intoxicating liquors are vended. The election for city officers shall be but one day, and during that day the polls shall not be closed on any pretense whatever; special elections to fill vacancies, shall be held under such regulations as may be provided for by law or ordinance. At elections there shall not be any count of the ballots until the polls are closed.

Sec. 3. That the council of the said city of Austin shall have power to levy and collect an ad valorem tax on all property within the territory included in section one of this act, for the year 1873, and succeeding years, in the same manner as provided by the act to which this is an amendment.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved April 7th, 1873.

CHAPTER LXX.

An Act to authorize the County Court of Comal County to levy and collect a Special Tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Comal county be, and is hereby authorized to levy and collect, annually, a special ad valorem tax upon all property in said county, real, personal and mixed, not exceeding twenty

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cents on each one hundred dollars value, and a special poll tax of twenty-five cents of every male person over twenty-one years of age, for the purpose of paying the debt incurred by the said county in the erection of a court house, and for the repairing the same, and also for the building of a new jail; provided, that before levying such tax, an election shall first be held, at such time and in such manner as the Police Court may direct, and a majority of the voters of the county, who may vote at such election shall have voted for the tax.

Sec. 2. That said tax be levied and collected from and after the first day of January, 1873, and for every year thereafter, until said debt is fully paid and discharged.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved April 7th, 1873.

CHAPTER LXXI.

An Act amendatory of an Act entitled "An Act incorporating the City of San Antonio, and other towns therein named," approved December 14th, 1837, and also amendatory of an Act entitled "An Act to amend an Act Incorporating the Town of Bastrop," approved February 1st, 1845.

Section 1. Be it enacted by the Legislature of the State of Texas, That section three (3) of the act incorporating the city of San Antonio, and other towns therein named, approved December 14th, 1837, shall be amended so as to read as follows: That the qualified voters of said city shall elect members to form a city council, consisting of one mayor or president, and eight aldermen, and also a treasurer and collector. The mayor and aldermen shall appoint one or more constables, as may be necessary, and shall regulate their salaries and fees, who shall give good and sufficient security, to be approved by the mayor and aldermen of said city, for the faithful discharge of their duties, and of the trusts reposed in them; the amount of their bonds, if forfeited, to be paid into the city treasury.

Sec. 2. That section eight (8) of said act shall be

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amended so as to read as follows: That the said council are hereby empowered and authorized to sell and alienate such public lots or parcels of land as may lie within their jurisdiction, and to which there is no legal claimant; and also to dispose of such houses and buildings as may have formerly been the property of the corporation of said city; and the council may sue for, and recover all debts, forfeitures, and so forth, accruing or due to the said corporation; the proceeds of such sales to be appropriated for public improvements, and for such other purposes as said council may think best for the benefit of said city.

Sec. 3. That section four (4) of "An act amendatory of an act to amend an act incorporating the town of Bastrop," approved February 1st, 1845, shall be amended so as to read as follows: That the said corporation shall have power to pass and enforce all necessary ordinances and resolutions to preserve order, and to protect the inhabitants of said town in the prosecution of their business, and in the enjoyment of all lawful pleasures and privileges.

Sec. 4. That the city marshal, or any other legally authorized officer, shall have the authority to execute writs and processes from the mayor's court beyond the limits of the corporation; provided, that said authority shall not extend beyond the limits of Bastrop county; and provided further, that the offense, on account of which such writ or process has been issued, was committed within the limits of said corporation.

Sec. 5. That the provisions of this act shall not apply to any town or city other than to the town of Bastrop, in Bastrop county.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Approved April 7th, 1873.

CHAPTER LXXII.

An Act to incorporate the Town of Kaufman, in Kaufman County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Kaufman, in Kaufman county, shall be a body politic and corporate,

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by the name and style of the "Town of Kaufman;" and as such, by that name, they and their successors shall be known in law, and be capable of contracting and being contracted with; may sue and be sued, plead and be impleaded in all the courts of this State; may purchase and hold real and personal property, and dispose of the same for the benefit of said town, and may have and use a corporate seal, and alter and change the same at pleasure.

Sec. 2. That the limits of said corporation shall embrace one mile square, to be so laid off that the court house shall be in the middle, or centre point thereof.

Sec. 3. That no person shall be a qualified voter at any election for officers of said corporation, unless he possess the qualifications of a citizen of this State, and have resided within the chartered limits of the corporation of said town thirty days next preceding the election.

Sec. 4. That no person shall be eligible to the office of an alderman of said town, who, at the time of his election, does not possess the qualifications of an elector, and has not resided in said town six months next preceding.

Sec. 5. That no person shall be eligible to the office of mayor of said town, unless he possess the qualifications of an alderman.

Sec. 6. That the officers elected at the last general election, as mayor and aldermen for the said town of Kaufman, and who are now acting as such, shall continue to hold their offices respectively, until the next general election in this State, at which election, the qualified voters of said corporation shall elect a mayor and five aldermen, who shall hold their offices for the term of two years, and until their successors shall be elected and qualified.

Sec. 7. That there shall be a marshal, assessor and collector, treasurer, recorder, and an attorney of said corporation, who shall hold their offices for the term of one year, and until their successors be appointed and qualified; said officers shall be appointed at a regular meeting of the board of aldermen by a vote of two-thirds of the aldermen present; said appointments shall be made as soon as practicable after the aldermen shall have received their certificates of election, and as soon as practicable after any vacancies from resignation, expiration of term of office, or other cause, may occur.

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Sec. 8. That at all elections, held under this act, the board of aldermen shall appoint judges of said election, who shall take an oath faithfully and impartially to discharge their duties. They shall open the polls at ten o'clock A. M., and close the same at four o'clock P. M., on the day of election, and shall within twenty-four hours thereafter make return of said election to the mayor, or in case of his absence or inability to act, or of a vacancy in his office, then the recorder and board of aldermen shall open such returns and determine the results of the election, and immediately issue certificates thereof to the persons elected.

Sec. 9. That when the election for mayor shall be contested, the board of aldermen shall determine such contest.

Sec. 10. That in case of a vacancy in the office of mayor, the board of aldermen shall order an election to fill such vacancy. Such election shall be held as provided in this act for regular elections; and in case of a vacancy in the office of alderman, such vacancy shall be filled at a regular meeting of the board of aldermen, by a vote of two-thirds of the aldermen present; and the person appointed shall hold his office for the unexpired term.

Sec. 11. That in case of the temporary absence of the mayor, the board of aldermen shall have the power to appoint one of their number to act as mayor pro tempore, who shall have the same powers and privileges as the mayor elect, and such appointment shall expire on the return of the mayor.

Sec. 12. That the mayor, when present, shall preside over the board of aldermen, and in case of a tie in the vote of the board, shall give the casting vote; provided, that three of the aldermen, either with or without the mayor, shall constitute a quorum to transact business.

Sec. 13. The mayor, marshal, assessor and collector, treasurer, recorder and the attorney of said corporation, may be removed from office for any neglect of duty, misdemeanor or malfeasance in office, by a vote of two-thirds of the aldermen at a regular meeting of the board.

Sec. 14. That the mayor and aldermen shall have the power to enact such by-laws and ordinances for the government of said corporation, and for the quiet, peace, good order and happiness of the citizens of the same, not inconsistent with the laws of the State, as may be deemed

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proper; and may impose fines and penalties for the violation of the same, not to exceed one hundred dollars in any one case.

Sec. 15. That the mayor and aldermen shall have and exercise control over the public square, streets, side-walks and roads within said corporation.

Sec. 16. That the board of aldermen shall have power to levy and provide for the collection of an ad valorem tax on property situated in said corporation, taxable by the general laws of the State; provided, said ad valorem tax shall not exceed one-half of one per centum on the value of the property taxed; and that it shall require the vote of two-thirds of the members of the board of aldermen to levy such tax, and the same shall be done at a regular meeting of the board.

Sec. 17. That the board of aldermen shall have the power to license merchants and traders in goods, wares and merchandise of every description, liquor dealers, grocers, apothecaries, hotel keepers and boarding houses, brokers and money changers, livery stables, hawkers and peddlers, showmen, pawnbrokers, and the keepers of beer saloons, and other occupations, and to collect licenses through their own officers, in the mode and manner prescribed by law for the collection of licenses granted by the State.

Sec. 18. That all officers of said corporation shall, before entering upon the duties of their office, take and subscribe the oath prescribed by the Constitution; and the mayor, marshal, assessor and collector, and treasurer, shall also enter into bond, with two good securities, to be approved by the board of aldermen, for the faithful performance of their duties, payable to the said corporation in such sum as the board of aldermen may require, which bond shall not be void on first recovery.

Sec. 19. That the marshal, in addition to his powers and privileges as such, be and he is hereby vested with all the powers and privileges which are now, or may be by law exercised by the constable of the precinct in which said town is situated; and for all services which may be rendered by him, he shall have the same fees which are or may be by law allowed to constables of the precinct for similar services.

Sec. 20. That the fees of the aldermen shall not be more than two dollars for each and every regular meeting of

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the board at which they may be in attendance; provided, they shall not be entitled to charge for more than twelve meetings in any one year. That the fees of the recorder shall not be more than two dollars for each and every meeting of the board at which he may be in attendance. The fees of the treasurer shall not be more than five per centum upon all moneys received and paid out by him. The corporation attorney shall be entitled to have and receive a tax fee of two dollars and fifty cents on each and every conviction under this act and the by-laws of said corporation, which fee the mayor shall include and tax in the bill of costs in said conviction. And the board of aldermen shall have the power to regulate the compensation of the officers of said corporation, not definitely fixed and provided for in this act.

Sec. 21. That in all prosecutions, trials and proceedings under this act and the by-laws of said corporation, the mayor and marshal shall be governed by the laws regulating proceedings in justices' courts in force at the time of said proceedings, prosecutions and trials, and shall be entitled to the same fees as justices of the peace and constables for similar services; provided, that the mayor, in addition to his said fees of office, shall be entitled to receive such salary as may be determined by the board of aldermen.

Sec. 22. That in any suit in which said town may be a party, all writs served upon the mayor shall be deemed to be served upon the town of Kaufman.

Sec. 23. That no ordinance shall take effect or be in force until the same is published for one week in a newspaper published within the corporate limits of said town, or, in the absence of such newspaper, by posting up such ordinance in at least six public places within the corporate limits of said town.

Sec. 24. That all laws and parts of laws conflicting with the provisions of the foregoing charter be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved April 7th, 1873.

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CHAPTER LXXIII.

An Act to Incorporate the town of Mexia, in Limestone County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Mexia, in Limestone county, be and they are hereby declared a body corporate and politic; and under the style of the "Town of Mexia," may sue and be sued in all courts, and may purchase, hold and convey any real or personal estate, and may have a corporate seal.

Sec. 2. The the limits of said corporation shall include one square mile, so laid off as to leave the point at which Sherman street intersects Commerce street the centre; said limits to be determined and laid off by three commissioners, to be appointed by the justice of the peace of the precinct in which said town is situated.

Sec. 3. That the officers of said town shall consist of a mayor, five aldermen and a marshal, who shall be elected by the qualified electors of said town, and they shall hold their office for one year from the day of their election, and until their successors are elected and qualified, and they shall possess the same qualifications as the electors of said corporation.

Sec. 4. The mayor and aldermen shall together compose a council for said corporation, of which the mayor shall be president; and a majority of the aldermen, either with or without the mayor, shall constitute a quorum for the transaction of business. During the sessions of the council, the mayor shall only be allowed a vote in the event of a tie; and in his absence, his place shall be supplied by a president pro tempore, elected from the number of aldermen present.

Sec. 5. The council shall have power to appoint a treasurer and secretary, and any number of policemen they may deem necessary; they shall have power, also, to appoint an attorney for their assistance, and to prosecute on behalf of the corporation, and to institute and defend civil suits in behalf of the corporation. The treasurer shall be required to give such bond and security, to be approved by the mayor, as shall be prescribed by the council, for the faithful discharge of his duties.

Sec. 6. The council shall have power to enact such

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rules and ordinances, not in conflict with the Constitution and laws of this State, as they may think necessary for the government of said corporation; to exercise control and supervision over all public streets, highways and alleys situated in said corporation; to levy and collect an ad valorem tax, not to exceed one-half of one per cent. per annum, on all property situated in said corporation, whether real, personal or mixed; to levy and collect an occupation tax on all occupations carried on in said town, which are not prohibited from being taxed by the Constitution and laws of this State, not to exceed one-half the State tax on such occupations, except as to groceries, saloons and other places where intoxicating liquors are sold under license, and ten-pin alleys and other games, tables and sporting devices, in which cases such tax may be imposed as the council may determine; and a poll tax not to exceed one dollar on all male inhabitants of said town between the ages of twenty-one and sixty years.

Sec. 7. The marshal shall be ex officio assessor and collector of taxes, and shall give bond and security, to be approved by the mayor, in such amount as shall be prescribed by the council for the faithful discharge of his duties.

Sec. 8. That in case of a vacancy in the office of mayor, the council shall immediately order an election to fill such vacancy, said election to be held as provided in this act for regular elections; and in the meantime the aldermen shall elect one of their number to act as mayor, who shall have all the powers and privileges of a mayor elect; and in case of a vacancy in the office of alderman or marshal, such vacancy shall be filled by the council at a regular meeting. Such person or persons so appointed shall hold his office for the unexpired term.

Sec. 9. That in case of the temporary absence of the mayor, the aldermen shall have power to appoint one of their number to act for the time, who shall have the same powers and privileges as the mayor elect, and such appointment shall expire on the return of the mayor.

Sec. 10. The mayor shall have power to act in a judicial capacity, and shall have exclusive jurisdiction of all cases growing out of a violation of the rules and ordinances of said corporation; he shall have power to enforce the authority and process of his courts through the marshal or policemen of said town, or through

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the sheriff, his deputies, or any constable of the county; and when a violation of any of the rules and ordinances of said corporation, he shall have power to arrest the offender or offenders, or to order the same done, without complaint being made, and without a warrant or writ of arrest; he shall have power to issue subpoenas and attachments for witnesses, and all other process necessary to enforce the authority and jurisdiction of his courts; and where not otherwise provided for in this act, said mayor's court shall be governed by the same rules, and shall be subject to the same laws as govern courts of justice of the peace.

Sec. 11. That all persons who are qualified voters of this State, and who have been citizens of said town for thirty days next preceding an election, shall be authorized to vote in elections held in said corporation.

Sec. 12. That the qualified electors of said town shall proceed, within thirty days after the passage of this act, to elect a mayor, five aldermen and a marshal. The first election under this act shall be held and presided over by the justice of the peace of the precinct in which said town is situated, after having given ten days' notice thereof, and annually thereafter under the direction of the mayor, at least ten days' notice thereof being given; and that the officers of said corporation, before entering on the discharge of their duties, shall take and subscribe to the oath of office required by the Constitution of this State, which may be taken before any officer legally authorized to administer oaths.

Sec. 13. That all appointed officers of said corporation shall be subject to removal for any malfeasance, misfeasance or neglect of duty, by a two-thirds vote of said council.

Sec. 14. That the salaries and fees of all officers of said corporation shall be fixed by an ordinance passed at a regular meeting of said council, which shall not exceed the fees allowed justices of the peace and [and][1] constables in like cases.

Sec. 15. That this act take effect and be in force from and after its passage.

Approved April 7th, 1873.

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[1]Repetition in enrolled bill.

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CHAPTER LXXIV.

An Act to levy and collect a Special Tax in Lavaca County to build a Court House for said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the county of Lavaca be and they are hereby authorized to levy a special tax upon all the taxable property within said county, real and personal, for the years 1873 and 1874, for the purpose of building a court house in said county; provided, that said special tax, levied as aforesaid, shall not exceed one-half of one per cent. upon the valuation of said property, and a poll tax of fifty cents on each male person within said county between the ages of twenty-one and sixty years; said taxes to be assessed and collected as other county taxes are assessed and collected in said county, and paid by the collector thereof into the county treasury.

Sec. 2. That said taxes, when collected and paid into the county treasury, shall be disbursed by the county treasurer, and paid out only for the purpose of constructing said court house, and then only upon the draft of the county court, signed by the presiding justice and attested by the seal of the district clerk of said county; and that this act take effect and be in force from and after its passage.

Passed April 9th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twelfth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER LXXV.

An Act supplementary to an Act to amend the first section of an Act entitled "An Act for the incorporation of the City of Paris, in the County of Lamar," approved August 10th, 1870, approved May 23d, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the corporate limits of the city of Paris, in the county of Lamar, in the State of Texas, be enlarged and extended as follows, to-wit: Beginning at the southwest corner of the present corporate limits of said city; thence south one-half mile; thence east one and one-half mile to a point due south of the southeast corner of the present corporate limits of said city; thence one-half mile to the southeast corner of the present corporate limits; thence west with the south line of the present corporate limits of the city one and one-half mile to the beginning; and that the territory included within the above described boundary, be and the same is hereby added to the city of Paris; and that the aforesaid act, approved August 10th, 1870, "An act for the incorporation of the city of Paris, in the county of Lamar," shall in all its provisions, apply as fully to the addition hereby made to the city of Paris, as it now does to the city within its present corporate limits.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved April 9th, 1873.

CHAPTER LXXVI.

An Act to incorporate Concrete College.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. V. E. Cor[v]ey, Woodlief Thomas and A. G. Bonney, and their associates, are hereby created and declared to be a body politic and corporate by the name and style of "Concrete College;" and by that name and style shall have twenty years succession, with power to contract and be contracted with, sue and be sued, plead

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and be impleaded; to have a common seal, and shall have the right to acquire by purchase, donation, subscription, personal and real estate, for the purpose of maintaining an institution of learning.

Sec. 2. That said "Concrete College" shall have the power, through by-laws, to provide for such officers and directors as may be deemed best for the interest of said institution.

Sec. 3. That "Concrete College," through its president and faculty, be, and is hereby empowered to confer the degrees of Batchelor and Master of Arts; grant diplomas, certificates of proficiency, and rewards of merit.

Sec. 4. That all buildings, with their furniture, libraries and philosophical apparatus, now or hereafter used by "Concrete College," for the purpose of education, and lands attached thereto, not exceeding ten acres, be and the same are hereby exempt from taxation.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved April 9th, 1873.

CHAPTER LXXVII.

An Act to incorporate the Tyler Real Estate and Building Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. H. Brown, A. W. Ferguson, J. H. McBride, A. M. Murphy, H. C. Hunt, Henry G. Askew and W. C. Robards, and their associates and successors, be and they are hereby created and appointed a body politic and corporate, under the name and style of the "Tyler Real Estate and Building Association;" and by that name shall have succession for ninety-nine years, and shall have a common seal, with capacity to sue and be sued, plead and be impleaded, contract and be contracted with; buy, hold, sell and convey real, personal and mixed property; to rent and lease, execute deeds, mortgages and deeds of trust; to loan, borrow, discount or take on deposit money, exchange, bullion, bank notes, government securities or stocks, and other valuables, in accordance with bank usages; to make divisions of property, declare dividends, and to do and perform all such acts, including the making

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and enforceing of by-laws, rules and regulations for their government, as may be necessary and consistent with law, and the constitution; provided, that nothing in this act shall be construed to authorize the issuance of notes for a circulating medium.

Sec. 2. The capital stock of the said association shall be fifty thousand dollars, with the power in the association to increase the same to three hundred thousand dollars, and shall be divided into one hundred shares of five hundred dollars each, payable in United States currency, in monthly installments of ten dollars, each share entitling the owner thereof to one vote.

Sec. 3. Whenever stock to the amount of twenty thousand dollars has been subscribed, and two per cent. on the same paid in, the association shall be deemed competent to transact business, and entitled to all of the provisions of this act.

Sec. 4. When any deposit is made, or any transaction had by or with a minor, or female, being or hereafter becoming a married woman, said association may pay to said party any sums of money due them, and their receipt shall be a legal discharge therefor.

Sec. 5. Service of all legal process against said association shall be made on the president or secretary. All stock of the association shall be deemed personal property, transferable only on the books of the association; and no transfer shall be valid while the stockholder is indebted to the association. In making deeds, instruments for the conveyance of property, or other matters of importance, the same shall be signed by the president, attested by the secretary, and sealed with the seal of the association.

Sec. 6. The association may, when the provisions of section three have been complied with, adopt a constitution, by-laws and rules; but the above written incorporators shall be the first board of directors, and shall hold office until their successors have been elected, which shall not be until the whole amount of shares shall have been taken up and two per cent. thereon paid in.

Sec. 7. The domicile of said association shall be in the city of Tyler, in Smith county, Texas.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 11th, 1873.

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CHAPTER LXXVIII.

An Act for the relief of Bertha Staffel.

Whereas, the annual taxes for the year 1871 were collected by the sheriff of Kendall county upon an illegal assessment of bonds of the United States, amounting to four thousand dollars ($4,000), the property of Bertha Staffel of said county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State, the county treasurer of Kendall county, and the treasurer of the board of school directors of said county, be and are hereby authorized and required to refund to the said Bertha Staffel, the several sums of the above mentioned tax, paid in to them respectively.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved April 11th, 1873.

CHAPTER LXXIX.

An Act to incorporate the City Bank of Sherman.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. S. Porter, C. C. Jones, D. W. Poak, G. Y. Gray, J. H. Tuttle, J. P. Loving, J. B. Fairchild, G. W. Porter, W. H. Bean, G. R. Reeves, and such other persons as may hereafter be associated with them, and their successors, are hereby constituted a body corporate under the name of the "City Bank of Sherman," to be located in the city of Sherman, Grayson county, Texas; and by that name shall have succession for fifty years; and may sue and be sued; and shall possess such powers and privileges as are in this act conferred upon the said corporation.

Sec. 2. Be it further enacted, &c., That the capital stock of the said corporation shall be two hundred thousand dollars, in shares of one hundred dollars each; but the same may be increased from time to time, by a vote of the majority in interest of the stockholders of said

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corporation voting in person, or by proxy, at any meeting duly held; provided, that the capital stock of said corporation shall never exceed five hundred thousand dollars. Such additional stock, as often as authorized, shall be offered for subscription to the actual stockholders proportionately to the amount of stock owned and held by them respectively, and any additional stock not taken by the stockholders entitled to subscribe for the same on a pro rata distribution, shall be thereupon offered to the other stockholtders pro rata and if not taken by them, it may then be offered to other parties; and no shares of stock shall be offered or sold for less than their par value.

Sec. 3 Be it further enacted, &c., That the corporators mentioned in section one of this act, shall open subscription books at such time and place as they may deem proper, and said subscription books shall be kept open until two thousand shares of the capital stock of said corporation shall have been subscribed for. At least ten per cent of the amount of each subscription shall be paid at the time the subscription is made, or the same shall be rejected. When the said books of subscription shall be closed, the said corporation shall proceed to distribute the capital stock to those entitled thereto by the subscriptions; and in case there shall be more than two thousand shares subscribed for, it shall be the duty of said corporation to apportion stock to the extent of five hundred shares among the subscribers, in the proportion which the amount of each subscription shall bear to the whole amount of all the subscriptions, and no one of the corporators shall directly or indirectly subscribe for and receive more than five hundred shares of said stock. The said corporators shall, within thirty days after the subscription books are closed and the stock apportioned, call a meeting of the stockholders, to be held within thirty days after the date of such call, at a place which shall be named in the call, at which meeting the stockholders shall elect out of their number a board of not less than seven directors, who shall be the directors of the corporation for the ensuing year, and until others are elected in their places. The directors of the corporation shall have power to require the stockholders to make a payment of twenty-five per cent., at such times, in such proportions, and on such notice as such directors shall pre-

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scribe; but should any subscriber to the stock of this bank be unable, from misfortune or otherwise, to pay the future installments, as the same may be called for by the board of directors, he shall forfeit the same, and the amount paid in shall be returned to the subscriber, or to his assigns by said bank, in twelve months from the date of default. And when the amount of fifty thousand dollars of the stock of said corporation shall be paid up in cash, the directors may organize by electing out of their number one president, one vice president, and one cashier, and such other officers and agents as may be necessary, being entitled to one vote for each share.

Sec. 4. Be it enacted, &c., That the said corporation shall have the power of carrying on the business of banking, by the purchase and discounting of bills, notes, and other evidences of debt, at such rates as its directors shall prescribe, by receiving deposits, by buying and selling foreign coin, gold and silver, bullion and bills of exchange, and by issuing letters of credit and certificates of depo[s]it. It shall also be lawful for said corporation to make cash advances on cotton, wheat and other products of this State for shipment to domestic or foreign ports, to advance money to planters upon real or personal security, and to guarantee the punctual payment, performance and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, and evidences of debt, on such terms, as to interest, commissions, and compensation, and with such stipulations and provisions as to enforcing liens and converting securities, as may be prescribed by the directors of said corporation, and agreed to by the parties, to any such transactions, and all such stipulations and provisions shall be lawful, and may be enforced and carried into effect, subject to the general laws of the State; said corporation shall also possess and may exercise, all incidental powers needful in conducting its business.

Sec. 5. Be it further enacted, &c., That it shall be lawful for the said corporation to employ all surplus capital or funds as may belong or accrue to the said corporation in the purchase of government or other bonds, or in any other moneyed transactions, not inconsistent with the constitution and laws of this State, for the benefit of said corporation.

Sec. 6. Be it further enacted, &c., That the business

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and the corporate powers of said corporation shall be conducted and exercised by a board of not less than seven directors, and such officers and agents as such board shall elect, appoint, or authorize to be appointed, and empower or authorize to be empowered, to conduct any part of said business, or exercise any of said powers in accordance with its by-laws. No person shall be a director who is not a holder of at least ten shares of the stock of said corporation; the directors may be elected annually by the stockholders, personally, or by proxy, on such days as shall be provided by the by-laws, or designated at the next preceding election, and the directors shall have power to fill vacancies, in their number, caused by death or resignation.

Sec. 7. Be it further enacted, &c., That it shall be lawful for the said corporation to purchase, hold and take security upon, and to sell, mortgage, lease, convey and dispose of real and personal property of every description, as fully and effecually as natural persons (not subject to legal disability) may lawfully do.

Sec. 8. Be it further enacted, &c., That the directors, after each annual election, shall elect out of their number one president, one vice president, and one cashier of said corporation, and shall have power from time to time to appoint clerks, agents, attorneys and servants for carrying on the business of said corporation, with such powers and for such compensation as shall be deemed meet; and said directors shall also have power to make and prescribe such by-laws,rules and regulations, and from time to time to alter, amend or revoke the same, as thy shall see fit, touching the government of said corporation, the transfer of its stock, the election of its officers, the management and disposition of its business, property and effects, the powers and conduct of it officers and agents, and all other matters which shall in any way pertain to said corporation.

Sec. 9. Be it further enacted, &c., That it shall be lawful for said corporation to establish such and so many branch offices in this State, and in such localities therein, and with powers to exercise such of its rights and privileges, and to constitute such fiscal agencies in places beyond the limits of this State, as its directors shall from time to time provide.

Sec. 10. Be it further enacted, &c., That this corpo-

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ration shall be authorized to receive on deposit public or private trust funds, for which they may allow such rate of interest as may be agreed upon.

Sec. 11. Be it further enacted, &c., That said corporation anall be responsible to the extent of its property, and the stockholders for the amount of their respective stock not paid for, for all the liabilities of the corporation.

Sec. 12. That this act take effect and be in force for fifty years from and after its passage.

Passed April 11th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fourteenth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LXXX.

An Act to authorize Ezra Carpenter, his Associates and Successors, to construct, own and keep a Toll Bridge on Big Cypress.

Section 1. Be it enacted by the Legislature of the State of Texas, That Ezra Carpenter and such other persons as he may associate with him, and their successors, be and they are hereby authorized to construct, own and keep a toll bridge across Big Cypress, where the road from Mt. Pleasant to Gilmer now crosses said stream, subject to general laws regulating toll bridges and ferries, and to remain in force for the term of fifteen years.

Sec. 2. Be it further enacted, That said Ezra Carpenter and his associates shall, within one year from and after the passage of this act, construct a good and substantial bridge across said stream at said crossing, and shall be required to keep said bridge in good, safe conditoin for crossing wagons, stock and persons, under penalty of forfeiture of all rights conferred by this act; provided, that should high water prevent the work, then, upon satisfactory proof of the fact, the County Court of Titus county shall be empowered to extend the time within which said

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Ezra Carpenter and associates are by the provisions of this act required to complete said work for such time as they may have been delayed.

Sec. 3. That said Ezra Carpenter and his associates are authorized to contract for [and] acquire the right of way and such material as may be necessary for the construction of said bridge in accordance with the laws of the State of Texas; and when said bridge is completed and in good condition for crossing, said Ezra Carpenter and associates shall have the right to demand, receive and collect the following rates of toll, viz.: For each wagon with six horses or oxen, seventy-five cents; for each wagon or vehicle drawn by four horses or oxen, fifty cents; for each wagon or vehicle drawn by two horses or oxen, thirty-five cents; for each wagon or vehicle drawn by one horse or ox, twenty-five cents; for each person on horseback, ten cents; for each footman, five cents; for each loose horse or head of cattle, three cents; for each hog or sheep, two cents.

Sec. 4. That this act take effect and be in force from and after its passage.

Passed April 13th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the ninth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LXXXI.

An Act to authorize the County Court of Hays County to Levy and Collect a Special Tax for the purpose of building a Jail at the County Seat.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Hays county be and is hereby authorized to levy and collect a special tax for the year 1873, upon the taxable property of said county, not to exceed fifty cents on the hundred dollars

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of valuation, as per assessment rolls for 1873, and a poll tax of one ($1) dollar for each elector, which tax shall be levied, collected and returned the same as other county taxes; and when collected, shall be applied for the purpose of building a good and substantial jail at the county seat of said county.

Sec. 2. That the assessors and collectors of said special tax shall be allowed the same rate of compensation as for collection of other taxes, and shall give such bonds as the County Court may deem necessary.

Sec. 3. That this act take effect and be in full force from and after its passage.

Passed April 14, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the eighteenth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LXXXII.

An Act to Incorporate the City of Jefferson, in Marion County, and to repeal all Laws heretofore passed incorporating said City or amendatory thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the city of Jefferson, in Marion county, be and they are hereby declared a body politic and corporate, under the name and style of the "City of Jefferson;" and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real and personal; provided, such real property is situate within the limits of said corporation, as hereinafterwards defined; and to have a common seal.

Sec. 2. The corporate limits of said city shall be as follows: Commencing one mile due north from the intersection of Broadway and Line streets, thence due west one mile, thence due south two miles, thence due east two

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miles, thence due north two miles, thence due west one mile to the place of beginning.

Officers.

Sec. 3. The municipal affairs of said city shall be administered by a mayor and eight aldermen, clerk of the city, collector of the taxes, treasurer, assessor of taxes, chief of police, street commissioner, city attorney, recorder, and policemen, the number thereof to be fixed by the mayor and board of aldermen, as well as their duties, salaries and fees; provided, that the clerk of the city of Jefferson shall be ex officio collector of taxes, and the treasurer shall be ex officio assessor of taxes for said incorporation, each of whom shall be required to give a bond for the faithful performance of the duties of their said offices, payable to the mayor of the city of Jefferson, in such sum as shall be provided by the mayor and board of aldermen, and to be approved by them.

Salaries.

Sec. 4. That the officers above named shall receive the following annual salaries, to be paid in United States currency, monthly: Mayor, eighteen hundred dollars ($1800); alderman, two dollars ($2) for each meeting; clerk of the city, seventeen hundred and fifty dollars ($1750); treasurer, one thousand dollars ($1000); chief of police, fifteen hundred dollars ($1500); street commissioner, seven hundred and fifty dollars ($750); city attorney, twelve hundred dollars ($1200); and recorder, twelve hundred dollars ($1200), and such perquisites and fees as may be provided for by the board of aldermen, and shall have no other fees.

Oath of Office.

Sec. 5. Each of the officers herein named shall take and subscribe an oath for the faithful performance of the duties of their office; and in addition thereto shall take the oath of of office prescribed by the Constitution of this State, which oath shall be filed in the office of the city clerk of the city of Jefferson.

Sec. 6. The mayor and board of aldermen shall be

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elected on the first Tuesday in April, 1874, by the people of the city of Jefferson, and biennially thereafter, and shall hold their offices for two years from their election. The chief of police, city attorney, street commissioner, recorder, clerk of the city of Jefferson and collector of taxes, treasurer and assessor of taxes, shall be appointed by the mayor, and with the advice and consent of a majority of the board of aldermen, and shall hold their offices for two years, unless sooner removed as hereinafter provided for.

Voters.

Sec. 7. That every person residing within the limits of the city of Jefferson, who would be entitled to vote for members of the Legislature, shall be entitled to vote for members of the Legislature, shall be entitled to vote for municipal officers; provided, such person shall have resided within the limits of the city of Jefferson for six months next preceding the election at which such person may offer to vote.

Who May Hold Offices.

Sec. 8. That any person qualified to hold office under the Constitution of the United States, and of this State, shall be eligible to any office under this charter; provided, he shall have resided within the limits of the city of Jefferson for six months next before the election or appointment under which such person may claim to hold such office.

Number of Wards.

Sec. 9. That the said incorporation of the city of Jefferson shall be divided into four wards by the mayor and board of aldermen, as soon as practicable after the passage of this act; and at the election to be held on the first Monday in May, 1874, and biennially thereafter, two aldermen for each ward shall be elected by the qualified voters of such wards.

Election.

Sec. 10. That ten days notice of the election of the officers to be chosen by the people under this charter,

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shall be given by the mayor, in one or more papers published in said city. The manner of voting, conducting elections, contesting the same, keeping poll lists, canvassing the votes and certifying the returns, shall as nearly as may be, be the same as are prescribed by law for general elections in this State. The mayor and board of aldermen shall have power to regulate elections; the polls shall be opened in each ward of the city of Jefferson, and shall be kept open for one day, to-wit, from eight o'clock A. M. to four o'clock P. M.

When Officers Enter Upon Duties of Office.

Sec. 11. That the municipal officers chosen at the elections, under this charter, shall enter upon the duties of their respective offices on the second Monday in May, the same being the first Monday succeeding their election; the persons having the hlghest number of votes for either of such offices shall be declared elected; provided, that whenever there shall be no election for any office voted for by the people, by reason of two or more candidates receiving an equal number of votes for the same office, the election shall be determined by the competing candidates casting lots for said office in the presence of the mayor and board of aldermen, and the result shall be entered upon the minutes of the board of aldermen.

Election Officers.

Sec. 12. That the mayor shall appoint two clerks, two judges and one manager for the election in each of the wards of the city, and give public notice of such appointments at least six days before the day of election under this charter; such judges, clerks and managers shall appear before the mayor of the city, and shall each take and subscribe an oath, that they will faithfully and honestly discharge the duties of the office assigned to them, before they enter upon the duties of such position. The clerks, judges and managers of e'ection shall, as soon as practicable after the closing of the polls, count the votes, and shall make return thereof in writing, and under seal, together with the poll list, to the mayor of the city of Jefferson, on the first Wednesday after such election; and it shall be the duty of the mayor to convene the board of alder-

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men on the second Monday in May, the same being the first Monday after the election, and in the presence of such aldermen as may attend, shall open and compare the returns, and declare the result of the election, whereupon the persons elected shall qualify and enter upon the duties of their office.

Appointment of Officers.

Sec. 13. That on the second Monday in May after an election, or as soon thereafter as practicable, the newly elected mayor shall proceed to fill by appointment, by and with the advice and consent of the aldermen, the appointive officers under this charter; and any person who may be appointed to office, under this charter, who shall fail to qualify in five days after his appointment, the office shall be declared vacant by the mayor, and a re-appointment shall be made.

Officers, How Removed.

Sec. 14. The appointive officers under this charter may be removed by a vote of two-thirds of the whole board of aldermen for good cause shown; the officer whose removal is sought shall have service of a copy of the charges against him for ten days before the trial of the case; he shall have the right to compulsory process to compel the attendance of witnesses, and the production of papers, and may appear by counsel; provided, that nothing herein shall be so construed as to embrace policemen, who shall be appointed by the mayor, and for any cause deemed sufficient by him, may be removed.

Vacancy in the Office of Mayor.

Sec. 15. That if a vacancy should occur in the office of mayor, by death, resignation or otherwise, the same shall be filled by the board of aldermen, by the election of one of their number for the unexpired term; and such member of the board of aldermen so elected for such unexpired term shall have and exercise all the duties of mayor, and shall be entitled to the salary of such officer. If the mayor shall, for any cause, be absent from a regular meeting of the board, the senior member of the alder-

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men present shall exercise the duties of mayor for the time being.

Vacancy in the Office of Alderman.

Sec. 16. That should a vacancy occur in the office of alderman, by death, resignation or otherwise, the same shall be filled by appointment of the mayor, by and with the advice of the aldermen; provided, no person shall be appointed who is not a resident of the ward in which the vacancy occurs.

Sec. 17. That should a vacancy occur in either of the appointive offices under this charter, the same shall be filled as early as practicable, by appointment, as herein provided.

Meetings of the Board.

Sec. 18. The regular meetings of the mayor and aldermen shall be prescribed by an ordinance, and call meetings may be provided for and regulated by the mayor and aldermen. A majority of the aldermen shall constitute a quorum; provided, that nothing in this charter shall be so construed as to give the power to the mayor and aldermen to pass or enact any ordinance by which money or bonds shall be appropriated at any called or special meeting.

Power and Duties of Mayor.

Sec. 19. The mayor of the city of Jefferson shall be the chief executive officer thereof. He shall see that the laws, ordinances and regulations of the city of Jefferson are executed. He shall have the power to quell riots and public disorders, and the dispersion of unlawful assemblies of persons within the limits of the city of Jefferson; he shall supervise the conduct of all subordinate officers, and report all breaches of official duty of such officers to the aldermen; he shall attend each meeting of the aldermen and preside over the same, but shall not be entitled to vote except in case of a tie, in which emergency he shall have the casting vote, which must be given at once and before an adjournment; he shall, from time to time, communicate in writing to the board of aldermen such information and

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recommend such measures as, in his opinion, the welfare of the city shall require, which messages and information shall be recorded by the city clerk in a book kept for such purpose alone; he shall semi-annually submit in writing to the board of aldermen the actual and true financial condition of the city of Jefferson, and this communication shall embrace at least the following subjects: the debt of the city of Jefferson, its character, when contracted, the interest accruing, the persons to whom indebted; amount of tax collected, tax assessed, amounts paid out, and such other statements of the financial condition of the city as will enable the board of aldermen to legislate intelligibly in respect thereto, and afford proper information of the conditon of the city to all persons interested therein. It shall be his duty to guard vigilantly the public interest, to supervise the action of policemen, and require of them strict and prompt attention to the duties imposed upon them. He shall be authorized to celebrate the rites of matrimony.

Powers and Duties of Recorder.

Sec. 20. That the recorder of the city of Jefferson shall be a person learned in the law; shall have and exercise jurisdiction to try all offenses against the ordinances of the city of Jefferson, and to award the punishments therein prescribed; he shall hold his court within the city limits, at such place as the mayor and aldermen may provide, which court shall be always open for the disposition and trial of all causes before it; he shall have power to forfeit bail bonds, given for the appearance of any party or parties before the recorder's court; to summon jurors, to impose fines upon defaulting jurors and witnesses, and to collect the same in the same manner as is now provided by law for justices of the peace. He shall keep a docket of all causes tried before him, and shall note in each case the character of the offense; he shall note likewise any case tried before him for a breach of a city ordinance; and to enforce the judgment of the recorder's court in like manner as judgments are enforced in justices' courts of the county; he shall have power to issue all writs to enforce the jurisdiction herein conferred, and said writs and process shall be issued, served and executed under the same form, and in

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the same manner, and to the same effect, as like process when issued out of a justice court of this State; and such process in all cases shall be directed to the chief of police of the city of Jefferson, or to any policeman thereof, and shall be executed by them in the same manner as sheriffs and constables are required to execute similar process. The right to trial by jury before the recorder's court shall be preserved, and in all cases the defendant may demand a jury, in which the recorder shall cause to be summoned a jury of six men to try the case, in the same manner as is now allowed by law in a justice's court of the State. The defendant, in any case of final jurisdiction, may waive a jury, and enter a plea of guilty, and submit the assessment of punishment to the recorder. He shall have power to take and approve bail bonds and recognizances; to forfeit and collect the same in the manner prescribed by law for the enforcement of similar obligations and like proceedings in other courts. He shall have power by fine and imprisonment, or either, to punish all contempts of his court; and he shall be allowed, in addition to his salary prescribed by this charter, a reasonable allowance quarterly for ex officio services, to be fixed by the mayor and aldermen. Bail bonds and recognizances, in all cases, shall be set by the recorder, when the offence is against an ordinance of the city; it shall be payable to the city of Jefferson.

Sec. 21. That in all cases before the recorder, when a jury is demanded by the defendant, and the defendant shall be convicted, a jury fee shall be taxed in the bill of costs, which shall be collected as other costs in the case, as shall be provided by ordinance.

Sec. 22. The mayor and aldermen shall, by ordinance, in addition to the duties imposed by this charter, prescribe and define the duties of the clerk of the city of Jefferson, who shall be ex officio collector of taxes; they shall also define the duties in like manner of the city attorney, street commissioner, chief of police and treasurer, who shall be ex efficio assessor of taxes for the city of Jefferson.

Aldermen.

Sec. 23. That the aldermen of the corporation of the city of Jefferson shall have the general management and control of all city property; and when, in their opinion,

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it shall be to the interest of the city, they may sell the same, and execute to the purchaser or purchasers thereof a title thereto, and shall likewise have power within the limits of the city of Jefferson by ordinance:

First—To remove and prevent all obstructions in or near the waters which are public highways in said city, and to improve the navigation thereof.

Second—To prevent and restrain all fraudulent practices and devices, and dollar stores.

Third—To forbid and punish the selling and giving away ardent spirits to minors.

Fourth—To license, and regulate and tax taverns, groceries, restaurants, ordinary victualling houses and hotels.

Fifth—To license, tax and regulate billiard tables kept for playing, nine or ten pin alleys and pigeon tables, or any device used for either.

Sixth—To license, regulate and tax hackmen, draymen, cartmen, omnibus drivers, cabmen, and all others carrying for hire, whether in the employment of an individual, firm or corporation, with or without vehicles, and prescribe for them a uniform rate of compensation.

Seventh—To license, tax and regulate auctioneers, distillers, brewers, junk shop keepers, pawnbrokers, and all others who buy and sell second hand goods.

Eighth—To license, tax and regulate or forbid hawkers and peddlers upon the streets of the city.

Ninth—To regulate, license and tax all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments by traveling persons or companies, or other persons; all exhibitions of natural or artificial curiosities, caravans, circuses, and sides-hows and theatrical performances.

Tenth—To prevent, by proper ordinances, riots, disturbances and disorderly assemblages in the city.

Eleventh—To regulate, license and tax butchers and meat vendors in the city, and to revoke their license for malconduct in the sale of meat; to regulate the sale of fresh meats and vegetables, except at the market house, and to punish the forestalling of the market of poultry, fruits, butter and eggs.

Twelfth—To direct or prohibit the location and management of houses for the storing of gunpowder or other dangerous combustible materials in the city.

Thirteenth — To prevent horse racing, immoderate

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driving or riding in the streets, and to prohibit and punish cruel treatment of animals especially.

Fourteenth—To prevent the obstruction of the streets, sidewalks, lanes, public grounds, alleys, wharves, docks and all other public places.

Fifteenth—To regulate and determine the time and place of bathing in the Bayou, and prevent and punish indecent exposure and exhibitions or conduct in the city, and to forbid and punish the commission of nuisances, the deposit of garbage or dead animals or filth in or near the Bayou.

Sixteenth—To locate and determine the place for the deposit of garbage and the bodies of dead animals, and to enforce the observance of all ordinances on the subject by suitable punishment.

Seventeenth—To restrain, regulate or prohibit the running at large of animals in the city, and authorize the impounding and selling the same for the penalty incurred and the expenses.

Eighteenth—To prevent and punish the practice of locating market houses and slaughter pens, on or near the Bayou or business section of the city.

Nineteenth—To provide a burial ground for the dead and make all needful rules and regulations for the proper management and care of the same, and to punish violations of the same.

Twentieth—To prevent or regulate the running of dogs at large; to tax or authorize the destruction of the same.

Twenty-first—To prevent or regulate the use of fire crackers or other explosive articles, the rolling of hoops, flying of kites, beating of drums, or any other amusement or practice having a tendency to annoy persons in the streets or on the sidewalks, or to frighten horses.

Twenty-second—To make, regulate and to prevent the introduction or the spread of contagious diseases in the city; to establish a hospital and make all needful rules and regulations in respect thereto, and for the proper management of the same.

Twenty-third—To control and regulate the streets and alleys of the city, and to prevent obstructions to the same.

Twenty-fourth—To prevent the ringing of bells, blowing of horns, beating of drums, display of fire works, or any other noises, performances or device tending to the collection of persons in the streets or sidewalks, by auction-

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eers or other persons, for the purpose of business or otherwise.

Twenty-fifth—To abate and remove all nuisance[s] in said city, and punish the authors thereof.

Twenty-sixth—To license or restrain runners for boats and stages, cars or public houses.

Twenty-seventh—To regulate or prohibit the keeping of lumber yards within the city or fire limits thereof, and to prevent the piling and storing of lumber, timber or boxes, or other combustible material, within the fire limits of the city.

Twenty-eighth—To regulate public pumps, wells, cisterns, hydrants and reservoirs, and to prevent the unnecessary waste of water.

Twenty-ninth—To purchase and establish public parks and grounds, and to regulate the same.

Thirtieth—To erect lamps and to regulate the lighting thereof.

Thirty-first—To establish water tanks or cisterns at the crossing of streets, and water works for the city, and to regulate the same.

Thirty-second—To license and regulate ferries within the city limits.

Thirty-third—To regulate the running of locomotive engines and street cars within the city.

Thirty-fourth—To establish within the city limits a house of correction, to appoint a keeper thereof, and in said house of correction shall be confined all persons committed by the recorder for offenses committed within said city against the ordinances thereof, who are unable to pay the fines assessed against them; and for the time such persons are so confined they shall be put to labor in said house of correction.

Thirty-fifth—To control, regulate, repair and clear the streets and alleys, bridges and walks and crossings, and open, inclose or straighten the same.

Thirty-sixth—To direct and regulate the planting of shade and ornamental trees in the public grounds and in the streets of the city. And it is made the duty of the mayor and aldermen of the city, as soon as practicable after the passage of this act, to cause the public grounds of the city to be graded and inclosed, and suitable shade trees provided and planted.

Thirty-seventh—To fill up, drain and clear, repair and

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regulate any grounds, yards, lawns, slips, private drains, sinks and privies, and to direct and regulate their construction.

Thirty-eighth—To erect an hospital and to regulate the same.

Thirty-ninth—To establish market houses and regulate the same.

Fortieth—To purchase and lay out public squares, parks, squares and grounds.

Forty-first—To cause any street, alley, lane or highway to be filled, graded and located, macadamized or planked, and to keep the same in repair.

Forty-second—Full power is vested in the mayor and aldermen to do, or cause to be done, all acts and things necessary to be done for the comfort, health and convenience of the people of the city, not inconsistent with the laws of this State, and to pass such ordinances and affix such penalties for the violation of the same, as may be deemed by them necessary for the execution and enforcement of all powers granted and vested by this charter.

Sec. 24.—That no ordinance adopted by the city of Jefferson shall take effect or be in force until the same shall be approved by the mayor, within five days after its passage; which shall be done by the mayor writing the word "approved" at the foot of the ordinance, the date of the ordinance, and signing his name thereto officially. If such ordinance be not approved by the mayor within five days after its passage, or returned to the city clerk with his objections thereto, in writing, the same shall take effect and be of force as though the same had been approved by the mayor. If the mayor should return such ordinance to the city clerk with his objections thereto, in writing, the clerk shall submit the same to the board of aldermen, at the first regular meeting of the board of aldermen, at which meeting the objections of the mayor shall be considered; and if upon reconsideration of such ordinance two-thirds of the aldermen present and voting shall be of opinion that the ordinance should pass, notwithstanding the objections of the mayor, the same shall become a law of the corporation; and no ordinance shall take effect and be in force until the same shall have been published in some newspaper published in the city, unless three-fourths of the board of aldermen shall be of the opinion that the publication of such ordinance is unnecessary.

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Taxes.

Sec. 25. The board of aldermen of the city of Jefferson is hereby fully authorized to levy, and impose and collect each year a direct property tax upon all such property within the limits of the city as may be liable to taxation under the Constitution and laws of this State; provided, that no property taxes shall for any one year exceed one (1) per cent. of the value of the property, unless for special purposes provided for in this charter. The board of aldermen shall also have the power each year to levy and impose and collect, for municipal purposes, a license and occupation tax upon all persons, firms or corporations pursuing the following occupations within the limits of said city: Selling spirituous, vinous, malt or other intoxicating liquors; keepers of billiard, bagatelle, pigeon hole or Jenny Lind tables, or anything of the kind used for pleasure or profit; ten or nine pin alleys; foot peddlers, peddlers with horses, peddlers with horses and wagons, keepers of dollar stores; theaters or dramatic representations of any kind for which pay for admittance shall be demanded; circus, for each exhibition thereof; every menagerie, wax works or exhibition of any kind where a separate fee is demanded; every hotel, every cook shop, eating house or private or public boarding house; every livery stable; each distillery or brewery; wholesale merchant, retail merchant, traveling agent buying, or selling or bartering patent rights, patent or specific medicines; dealers in stock or bills of exchange, bankers and banking; life insurance companies doing business by agents or otherwise; fire and marine insurance companies doing business by agents or otherwise; agencies for such companies; physician, surgeon, dentist, lawyer, oculist, booksellers, periodical, book and paper vendors, owner or operator of a daguerrean or such like gallery, photographers, auctioneers, barbers, pawnbrokers, keeper of public ferry, keeper of public bridge, land agent, conveyancer, dealer in land certificates, selling pictures or other device with prize and blanks attached, clerks, cashiers of banks, book-keepers, cotton brokers, street drummers for merchants, book and job printers, keeper of race course, insurance broker, cotton press merchants, tailors, contractors and builders, architect and drawer, agent of sewing machine, jeweler, watchmaker,

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dealer in jewelry, wood-sellers, wholesale or retail keeper of lumber yard, publisher of newspaper, agents for sale of tickets for stage and railroad companies, keeper of pistol or rifle gallery, owner of saw mill or planing machine, undertaker, blacksmith, keeper or proprietor of a music hall or other place kept for profit where girls or women are employed to sell wines and other liquors, hand-organ player, fortune teller, claim agent, commercial agents, keepers of fruit or tobacco stands, vendors of fruit or other articles on the streets, general agent and such other occupations as may be liable to taxation under the constitution and laws of this State, such license and occupation tax shall not exceed the maximum tax levied by the State upon such occupations; and in case the State shall not provide for a license and occupation tax upon the occupations herein named or otherwise referred to, then the amount of the tax to be levied shall be determined by the board of aldermen.

Concerning Taxes.

Sec. 26. That the board of aldermen shall determine the time for the assessment of the taxes on the property within the city limits, and the date when the same shall be rendered; and shall prescribe the duties of the assessor of taxes in regard thereto, as well as the manner of assessment. All property shall be returned for taxation by the owners thereof, at its fair market value. And in case the assessor and the owner of the property cannot agree upon the value of the property, the same shall be referred to the board of aldermen, whose decision shall be final. The annual roll of assessment shall be returned by the assessor to the board of aldermen, and the same shall be inspected and approved by said board; provided, that the board of aldermen shall have power to alter and change the assessments ofany property, if in the opinion of the board such assessment should be improper; provided further, that if the assessment of any property is disapproved by the board because the value of the property is returned at less than market value, then the owner of said property shall have notice of the time and place of hearing the same, and the right to appear and introduce testimony as to to the value of the property.

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Supplemental Assessments.

Sec. 27. That the board of aldermen may authorize and direct the assessor of taxes from time to time to return supplemental rolls of assessment of taxes, on property omitted from any cause from the annual roll, which shall be collected in the same manner as provided for the annual assessment.

Tax Rolls How Kept.

Sec. 28. That the board of aldermen shall cause the assessment rolls to be recorded in books kept for such purposes, and the same shall be liable to inspection at all times.

Clerk's Office and Records.

Sec. 29. That the clerk of the city of Jefferson and ex officio collector of taxes, shall keep his office at the city hall. He shall be keeper of the seal and all books, papers and records of the city of Jefferson, and his office shall be open at all proper hours for the transaction of business and the inspection of the records.

Assessments, How Made.

Sec. 30. That the treasurer of the city of Jefferson, who shall be ex officio assessor of taxes, in addition to such other duties as may be prescribed by the mayor and aldermen, shall estimate the several taxes levied by the board of aldermen, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of the several tax lists, opposite to the person or property chargeable therewith. When completed, the mayor of the city shall attach to each of said lists a warrant, under the corporate seal, to be signed by him, and directed to the city clerk, who is ex officio collector of taxes, commanding him to levy and collect as taxes for said year, the several sums of money set opposite to the real and personal estate, or persons, in said tax list described, of the goods and chattels of the respective owners of such real and personal estate, which warrant shall also designate the names and rates of the several taxes included therein.

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Duties of Mayor in Respect to Tax Lists.

Sec. 31. Said tax lists shall be delivered to the the collector of taxes by the mayor, at such time as may be ordained by the board of aldermen, and shall constitute the only process necessary to be issued for the collection of the annual taxes.

Supplemental Assessments, How Collected.

Sec. 32. Supplemental rolls and lists of taxes omitted from any cause from the annual lists, shall in like manner be made out by the assessor, and warrants for the collection issued by the mayor as required on the annual lists.

Duty of Collector of Taxes.

Sec. 33. Upon the receipt of any warrant for the collection of taxes, the collector of taxes shall give public notice in some newspaper, that such lists and warrants are in his hands for collection, briefly describing the nature thereof, and requesting all persons interested to make immediate payment at his office, and that in default thereof, distraint will be made.

Seizure and Sale

Sec. 34. Should any person, firm or corporation fail or refuse to pay the taxes due at the time specified in said published notice, and for ten days thereafter, the collector of taxes shall add five per cent. additional to their taxes, and shall notify them through the post office of the amount due, and the penalty added, and shall further notify such delinquent that if payment thereof is not made within ten days from the date of said notice, that sufficient of the personal property, goods, chattels or effects of the delinquent will be taken in possession by the collector for the satisfaction of the taxes, penalties and costs accruing. And it is made the duty of the collector of taxes, upon the expiration of the time stated in the notice, to proceed in conformity therewith by taking into possesion any of the personal effects, of whatever character, of such delinquent, that he can find, that will be of

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value sufficient to make the amount due for taxes on personal and real property of such delinquent. The collector of taxes shall advertise for sale, such property, to the highest bidder for cash, for ten days, in some newspaper published in the city of Jefferson; and at the expiration of the time of notice the collector shall proceed to sell the property distrained, before the door of the city hall, to the highest bidder for cash, and apply the proceeds of such sale, first to the payment of taxes due on personal property; secondly, to the payment of the taxes due on the real estate of such delinquent; and thirdly, to the expenses of removing the property, care and attention for its preservation, together with the costs and expenses attending the sale. If the goods and property, chattels and effects, first seized, should be insufficient to satisfy said taxes, penalties and costs, then the collector shall make an additional levy and sale, and shall so continue until said taxes, penalties and the costs, are satisfied, or until the goods, chattels and effects of such delinquent are exhausted.

Sec. 35. In cases where the personal property distrained is not susceptible of division, the collector of taxes shall nevertheless proceed to sell the same to the highest bidder, and the surplus, if any, after paying the taxes, shall be paid to the former owner of the property.

Sec. 36. If for want of bidders the property cannot be sold as herein provided, the same shall be bid in by the collector of taxes for the city of Jefferson, and any property so bid in be sold at any time thereafter by the chief of police, by order of the mayor, at public outcry.

Sec. 37. If for any cause the sale of property seized for taxes shall not take place by the time appointed, the collector of taxes shall appoint some other time, give the like notice, and proceed to sell the property in the manner prescribed in the first instance in the foregoing section.

Sec. 38. If any person, after an assessment of taxes against him, and the same is unpaid, should be about to remove his property out of the limits of the county, without the pre-payment of all the taxes due by such persons, it is hereby made the duty of the collector of taxes, forthwith to distrain upon a sufficiency thereof as will satisfy the taxes, penalties and costs which may be due, and to sell the same in the manner heretofore directed in other cases.

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Sec. 39. No deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor, while such property remains in the possession of the grantor; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes assessed, no matter in whose possession they are found.

Sec. 40. If any person shall fail or refuse to pay the taxes assessed upon the real estate of such person within the time prescribed in the notice required to be given by the collector of taxes, and the collector of taxes shall fail to collect the amount due upon such real estate out of personal property belonging to such delinquent, then it is made the duty of the collector of taxes to prepare an abstract of the real estate of such delinquent, and the amount of taxes due thereon, and shall return the same to the board of aldermen, who shall proceed forthwith to deliver the said abstract to the city attorney, who shall institute suit in the name of the city of Jefferson against such delinquent, for the amount of taxes due, and for the enforcement of the lien on such property reserved for taxes. Suit may be brought in any court of competent jurisdiction, and the lien reserved for taxes enforced as other liens are by law; and said corporation shall be authorized to collect one per cent. per month interest on all taxes due and unpaid from and after notice published.

Sec. 41. The annual assessments made on real estate shall be a lien upon the property, and interest at the rate of twelve (12) per cent. per annum shall run thereon.

Sec. 42. Any person, firm or association, wishing to engage in any of the occupations, vocations or callings enumerated in this charter, upon which a tax is imposed, shall before engaging therein, make application to the collector of taxes, and make payment of all taxes imposed upon such occupation, vocation or calling; and upon the payment of the taxes imposed, the collector of taxes shall issue a license to such person to pursue such occupation, vocation or calling, during such period as may be covered by the amount paid; provided, that no license under this section shall be issued for less time than four (4) months.

Sec. 43. When any person, firm, or corporation or company shall fail or refuse to comply with the requirements of the preceding section before engaging in any oc-

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cupation, vocation or calling on which a tax is imposed by the board of aldermen of the city of Jefferson, in pursuance of the powers vested by this charter, it shall be the duty of the collector of taxes forthwith to seize and take into his possession any personal property belonging to such person, firm, corporation or company as shall be sufficient to satisfy the taxes imposed on such occupation, vocation or calling for one year, with costs, and to sell the same at public auction before the city hall, after ten days' notice of the sale by advertisement posted on the door of the city hall.

Sec. 44. Any person so failing or refusing to pay such tax shall be liable to a fine in a sum not less than the amount of tax imposed upon such occupation, vocation or calling, nor more than double the same; and upon conviction thereof before the recorder of the city, shall be fined and imprisoned until the fine and costs are paid.

Sec. 45. The office of the clerk of the city of Jefferson and ex officio collector of taxes shall always be open for the collection of license taxes; and said officer shall monthly make a report to the board of aldermen the amount received and paid to the city treasurer, and shall state the name of the person or persons from whom the amounts were received, and in all cases shall designate the occupation of the person to whom any license shall be issued.

Sec. 46. The board of aldermen shall have power to construct, operate and maintain wharves in the city of Jefferson; to regulate the use of such wharves, and to prescribe the rate of toll or wharfage to be paid by steamboats or persons, and to pass ordinances for the protection of such wharves; and the board of aldermen shall have power to pass such ordinances as may be deemed necessary to insure the collection of wharfage, and to punish all persons who may use the same and refuse to pay the rate prescribed.

Special Taxes.

Sec. 47. Whenever in the opinion of the board of aldermen, an emergency shall arise to provide money for the payment of any debt of the city of Jefferson, or to make any needful improvement, or to execute any power herein vested, and the general annual tax of the city of

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Jefferson should be inadequate to meet the demands of other municipal purposes, and to provide the payment of such debt, or to accomplish such needful improvement, or to execute such power, the board of aldermen are hereby impowered to levy and collect a special tax not exceeding one per cent. upon all taxable property, real or personal, within the city of Jefferson, and the same shall be assessed and collected as herein provided for the general annual tax; provided, that not more than one per cent; shall be levied in any year under the provisions of this section.

Funding.

Sec. 48. Any person who may own any scrip or other evidence of indebtedness of the city of Jefferson, contracted previous to the passage of this act, may present the same to the mayor and aldermen for approval and allowance, and if the same, upon investigation, shall be adjudged by the mayor and aldermen of the city of Jefferson to be a just claim against the city of Jefferson, such person shall have the right to demand of the city of Jefferson, in exchange and surrender of such indebtedness, bonds of the city of Jefferson in sums of not less than two hundred and fifty nor more than one thousand, payable in ten years, with interest coupons attached, at the rate of eight per cent. per annum, payable semi-annually at the National Bank in the city of Jefferson; and whenever the mayor and board of aldermen shall issue bonds under this section of this charter, they shall provide for the payment of interest promptly, and an adequate sinking fund; provided, that nothing herein shall be so construed as to allow the holders of bonds heretofore issued by the city of Jefferson to exchange the same for bonds provided for in this section.

Sec. 49. The board of aldermen may, if in their opinion such course is deemed best, from time to time purchase the outstanding scrip of the city of Jefferson, in such manner as may be ordained by them.

Bonds.

Sec. 50. The bonded debt of the city of Jefferson shall not exceed five hundred thousand dollars at any time; and should the aldermen of the city of Jefferson

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deem it proper and necessary at any time to improve the navigation between Jefferson and Shreveport, La.; to build a city hall and city jail; to build a free bridge across the bayou, erect wharves,to provide water-works for the city of Jefferson; to aid in the construction of railroads to or from Jefferson, or the machine shops and depots of railroads within the city of Jefferson, or manufacturing establishments within said city; they may issue bonds for such purposes, or either of them; said bonds to be in sums not less than five hundred nor more than one thousand dollars, to be payable in not less than ten nor more than twenty years from the date thereof, and to bear interest at the rate of not more than eight per cent. per annum, to be paid semi-annually at the National Bank of Jefferson upon return of the coupons to be thereto attached, for which payment the board of aldermen shall have power to levy a special tax not to exceed one per cent. per annum upon all the property real and personal not exempt from taxation, and being within the city limits; provided, that in levying such special tax, two-thirds of all the board of aldermen shall concur, and two-thirds of all the registered voters of said corporation shall concur at an election ordered and held for determining that question, by the mayor and board of aldermen.

Sec. 51. The bonds authorized to be issued in the foregoing section may be sold in the market as the aldermen may direct, or they may be passed directly to the contractors for either of the purposes named.

Sec. 52. The recorder and chief of police shall charge and collect the same fees that justices of the peace and constables are by law authorized to charge and collect for similar services; and it shall be the duty of said officers to keep an accurate account of all such fees charged and collected, and from time to time to pay the same to the treasurer of the city, taking therefor duplicate receipts, one of which shall be filed with the clerk of the city.

Fire Department.

Sec. 53. The board of aldermen, for the purpose of guarding the city against fire, shall have power to prescribe the limits within which wooden buildings shall not be built, and to direct that all the buildings within said

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limits shall be made of fire proof materials; to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in any buildings or manufactory, and to cause the same to be removed or placed in a safe condition. To prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires. To prevent drills, parades, musters and marching of men in the streets with loaded guns, and to regulate and prevent the display of fire-works in the streets or localities adjacent to buildings. To compel the owners of houses to have scuttles in the roofs, or ladders or stair-cases leading to the same. To prevent theft at fires, and to compel all officers of the city, and other persons, to assist in extinguishing of fires as the board of aldermen may deem expedient.

Sec. 54. The board of aldermen shall select from among the number of policemen of the city a discreet person, on the first Monday in each month, and cause such policeman to visit and inspect the buildings in the city and report any unsafe chimney, flue, stove-pipe, furnace or other danger from fire; his report shall be in writing and shall be filed in the office of the clerk of the city, and shall be submitted to the board of aldermen at their first meeting thereafter.

Sec. 55. The board of aldermen shall have charge and control of the fire and other engines of the city, and provide fit and suitable engine houses and other places for keeping and preserving the same, and have power to organize fire, hose, hook and ladder and ax companies; to provide, if necessary for the maintenance and pay of such organizations; to prescribe the duties of firemen and engineers, and make rules for the government of the same, and generally to do and accomplish all acts and things necesary to equip, organize, maintain, operate, control, manage and direct a fire organization, which shall be sufficient to protect and guard and preserve the property of the citizens from destruction by fire.

Sec. 56. The board of aldermen may authorize the chief of the fire department, when necessary in his opinion to prevent the spread of fire, to blow up or tear down and remove any building, and such building shall be paid for out of the city treasury.

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General Provisions.

Sec. 57. All moneys collected by the chief of police from fines imposed in the recorder's court shall be paid over to the treasury on the last day of each week, and the receipt of the treasurer for such fines shall be filed in the office of the clerk of the city of Jefferson.

Sec. 58. The treasurer of the city of Jefferson shall not pay out or disburse any money except upon warrant drawn by the clerk of the city of Jefferson, in obedience to an ordinance or order of the board of aldermen.

Sec. 59. All money collected by the collector of taxes shall be paid over to the city treasurer, and his receipt for the same shall be filed in the office of the clerk of the city.

Sec. 60. The treasurer and collector of taxes shall make monthly reports to the aldermen of the city, which reports shall show the amount of money received from all sources, and the amount paid out or disbursed, and on what account.

Sec. 61. The treasurer shall keep his office in the city hall, and his books shall be open to inspection at all proper hours.

Sec. 62. The aldermen shall provide the chief of police with an office at the city hall, and this office shall be open at all hours.

Sec. 63. All money raised by the sale of bonds of the city of Jefferson for any purpose shall be paid over to the treasurer of the city of Jefferson, and paid out and disbursed by him upon the warrant of the clerk of the city of Jefferson, in accordance with the ordinances and orders of the board of aldermen.

Sec. 64. The city of Jefferson may bind itself by contract in writing, either by an ordinance passed by the board of aldermen, or by an agent of the city of Jefferson, authorized to enter into a contract on the part of the city by an ordinance, and not otherwise. The city of Jefferson may execute promissory notes as evidences of audited liabilities, may draw drafts and execute such other evidence of debt as may be authorized by the board of aldermen, and in all such cases the note, draft or other evidence of the indebtedness shall be signed by the mayor officially, and attested by the clerk with the seal of the city.

Sec. 65. All laws, regulations and ordinances of the

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city of Jefferson now in force, and not in conflict with this act, shall remain in force until altered, changed or repealed by the aldermen of the said city of Jefferson.

Sec. 66. The present mayor and alderman of the city of Jefferson shall remain in office for and during the time for which they were elected, and shall administer the municipal affairs of the city of Jefferson in accordance with the provisions of this charter, and if a vacancy should occur in the office of mayor before the next election provided for under this charter, the same shall be filled in accordance with the provisions of this charter; and if a vacancy should occur in the board of aldermen before the next election provided for under this charter, the same shall not be filled unless the number of aldermen should be reduced by such vacancy to a less number than eight, in which case the vacancy shall be filled in accordance with the provisions of this charter.

Sec. 67. The present officers of the city of Jefferson, appointed by the mayor and with the advice and consent of the aldermen, shall continue to discharge their respective duties for the time for which they were appointed, unless removed in the manner herein provided, and when the name of such officer is changed, and the duties of the office enlarged, changed, modified or altered by the provisions of this charter, such officer shall conform to such alteration, assume, qualify and discharge the duties incumbent upon and incident to the office, and as empowered by the provisions of this charter. And the present police justice shall assume and discharge the duties of recorder under this act, and the present recorder shall assume and discharge the duties of clerk of the city of Jefferson and ex officio collector of taxes.

Sec. 68. The board of aldermen shall, as early as practicable after the passage of this act, reform, modify, change, repeal or alter the ordinances of the city of Jefferson in conformity with the provisions of this charter, and ordain and establish such other ordinances, rules and regulations as may be necessary to the proper exercise of the powers herein vested, and the due administration of the municipal affairs of the city of Jefferson; and the said board of aldermen thereafter shall employ some person or persons learned in the law to arrange, index and classify this charter, and all the ordinances and rules and regulations of the city of Jefferson then in force, and to cause the same to be printed and bound in a book.

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Sec. 69. The act shall be deemed a public act, and all laws and parts of laws heretofore passed incorporating the city of Jefferson, or amendatory thereof, and all laws and parts of laws in conflict with this act, be and the same are hereby repealed, and this act take effect and be in force from and after its passage.

Approved April 15th, 1873.

CHAPTER LXXXIII.

An Act amendatory of and supplemental to an Act entitled An Act amendatory of and supplemental to an act entitled "An Act to Incorporate the Sabine and Galveston Bay Railroad and Lumber Company," passed September the 1st, 1856, passed December 24th, 1859, which act changed the name of said Company to "The Texas and New Orleans Railroad Company."

Whereas, on the first day of May 1871, and on the eighth day of October, 1872, the road bed, tracks, franchise and chartered rights and privileges, and other property appertaining thereto, of the "Texas and New Orleans Railroad Company," originally incorporated under the name of the "Sabine and Galveston Bay Railroad and Lumber Company," were sold under decrees of the Circuit Court of the United States, for the Eastern District of Texas, made and rendered in certain causes pending in said court at Galveston; and

Whereas, The act of nineteenth of December, 1857, supplementary to and amendatory of "An act to regulate railroad companies," provides that the purchasers at such sales and their associates shall be entitled to have and exercise all the powers, privileges and franchises granted to the company sold out, by its charter, or by virtue of the general laws of this State, and shall be deemed and taken to be the true owners of said charter and corporators under the same, and vested with all the powers, rights, privileges and benefits thereof; and

Whereas, The purchasers at said sales, and their associates have formed a new company under said old name and said new company desires to be distinguished by name from said "sold out" company, to reconstruct,

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repair and maintain its line of railroad, and to connect and consolidated the same with the railroad now being constucted from New Orleans to the Sabine river; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, that the new company heretofore known as the "Texas and New Orleans Railroad Company," referred to in the preamble of this act, shall be hereafter known by the corporate name of the "New Orleans, Mobile and Texas Railroad Company," and may alter its seal to conform to its name; provided, that said new company shall be liable to the State of Texas for the debt of said "sold out" company, for loans made to the latter company from the special school fund, in the same manner and to the same extent as said "sold out" company was liable; and that said change of name shall in no respect impair or effect[1] [affect] said liability or the existing lien or mortgage of the State upon the railroad of said company, as security for said loans; and provided, further, that said change of name shall in no respect impair or effect[1] [affect] any of the obligations of said new company to other parties, or the obligations of other parties to said new company, all of which may be enforced by or against said new company under said new name of the "New Orleans, Mobile and Texas Railroad Company."

Sec. 2. Said new company is hereby authorized and empowered to alter the line of its railroad, as originally located and constructed, so as to build to and connect with any line of railroad that may be constructed, or under construction, from New Orleans to the Sabine river; provided, such alteration or change shall not carry the line of said railroad a greater distance than half a mile from the line and crossings on and over the Neches and Trinity rivers, at the towns of Beaumont and Liberty, established and constructed by the "Texas and New Orleans Railroad Company;" and said new company shall have the right, and is hereby authorized and empowered to purchase, sell, lease, join stocks, unite or consolidate with any connecting railroad company by and with the approval and consent of a majority in interest of the stockholders or owners in each company, and to merge itself, and all or any part of its property, rights, privileges, and franchises into such other company upon such terms and conditions as may be agreed upon by their

[1]Error in enrolled bill.

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respective boards of directors; and in the event of such consolidation or merger, the consolidated company shall be and exist as one company or corporation, and all the rights, benefits and privileges granted and secured to this company under the laws of this State shall inure to and belong to such consolidated company.

Sec. 3. Said new company, or the company with which it may be consolidated or merged as hereinbefore provided, shall have power, and is hereby authorized, to borrow money or to purchase property upon its own credit, for the purpose of constructing, repairing and maintaining its railroad, and may issue its bonds and obligations therefor, payable at such time and place, and at such rates of interest in the lawful money of the United States, or in the gold coin of the United States, or of any foreign country, as the directors of said company may elect; and to secure the payment of said bonds and obligations, may mortgage its railroad, its capital stock, its corporate franchises, and any and all of its property, real and personal, or any part or portion thereof, in such manner and form as said company or its directors shall deem best and expedient.

Sec. 4. Said new company, or such consolidated company, shall establish, and continue to keep, a principal office in the city of Houston; and the right to regulate the rates of charges for freights and passage upon said railroad is expressly reserved to the State, making no distinction between said railroad and any other in the State.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 15th, 1873.

CHAPTER LXXXIV.

An Act to amend an Act entitled "An Act to Incorporate Austin College," approved November 22d, 1849.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Synod of the Presbyterian Church of Texas, at present composed of the Presbyteries of Brazos, Central Texas, Eastern Texas and Western Texas, shall

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have the power, and is hereby authorized to remove Austin College from its present location, fixed by the first section of the act to which this is an amendment, whenever the said Synod shall deem it expedient, and for the interest of said college so to do; provided, the grounds and buildings shall revert back to the city of Huntsville. And the said Synod shall have full power, and is hereby authorized to locate, establish and carry on said college at any other place which it may select, subject to the provisions of this and all other acts concerning said college.

Sec. 2. Be it further enacted, That section five of the act to which this is an amendment, be, and the same is hereby repealed; and hereafter all vacancies which may occur in the board of trustees of said Austin College, shall be filled by the Synod composed of the Presbyteries aforesaid. And if, hereafter, the said Synod should be divided, then such vacancies shall be filled by that Synod within whose bounds the college is located.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved April 15th, 1873.

CHAPTER LXXXV.

An Act to Incorporate the Central Texas Flouring, Grist and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. Angus, A. Beaton, Joseph Huey, F. W. Caruthers, Thomas B. Poitevent, F. M. Martin and W. M. Love, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the "Central Texas Flouring, Grist and Manufacturing Company;" with power in their corporate capacity to make contracts of every description, necessary to the furtherance of the objects of said organization; to purchase and hold, sell and convey property, both personal and real; to execute and take leases, mortgages and trusts, and all other instru-

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ments necessary to the furtherance of the objects of their said association. To manufacture flour and meal, and to establish and carry on such other manufactures connected therewith as may enhance the prosperity, and develop the industrial and agricultural interests and resources of Central Texas. To have succession and a common seal; to make by-laws, rules and regulations for the government of their affairs; to sue and be sued, to plead and be impleaded; to declare dividends upon their profits, and to do and perform every act and thing incidental to their organization, necessary to the fulfillment of their duties, and the protection and maintenance of their rights under this act, and consistent with the laws and Constitution of the State.

Sec. 2. That the officers and managers of this association shall consist of seven directors, to be elected by the shareholders; one president and one vice president, to be chosen by the said directors from their own body; and the incorporators herein named are hereby declared the first board of directors. On the first Monday in June, subsequent to the complete organization of the company, as hereinafter provided, and annually thereafter, the shareholders shall elect, in such manner as the by-laws may provide, seven directors to serve during the ensuing year, each of whom shall hold in his own name at least five shares of the capital stock of the company. Said board of directors may fill vacancies occurring in their own body, appoint such subordinate officers, agents and employes as may be deemed necessary, make by-laws, rules and regulations for their own guidance, and the management of the company's affairs; and the decision of a majority of said board shall be a valid corporate act.

Sec. 3. That the capital stock of this company shall be ($50,000) fifty thousand dollars, with the power and privilege of increasing the same to ($200,000) two hundred thousand dollars. The said capital stock of ($50,000) fifty thousand dollars to be divided into (500) five hundred shares of one hundred dollars each ($100); and when said five hundred shares shall have been subscribed, and ten per cent. on the same is paid in, this association shall be deemed organized, and competent to transact business under this charter, and be entitled to all the grants and privileges enumerated herein. The amount remaining unpaid on each of said shares so subscribed

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for shall be payable by installments, at such intervals as the board of directors may determine; provided, always,. that at least twenty days notice of each payment shall be given in some newspaper published in the city of Corsicana, and that not more that ten per cent. shall be called for at one time; and provided further, that no stockholder shall ever be held liable through any action of the board of directors, or in any manner, for more than the amount subscribed for or held by him, but should any stockholder fail, neglect or refuse to pay, or cause to be paid, any installment called for as herein provided, the stock on which said installment is due may be sold at public auction, or otherwise, as the board of directors may think best; the proceeds to be applied to the payment of the installment past due; the balance, if any, after deducting such payment and costs of the proceedings taken, be paid over to the delinquent owner.

Sec. 4. That the legal domicile and place of business of said association shall be in the city of Corsicana; and service of any and all legal proceedings, in any suit or proceeding against said corporation, shall be sufficient if made upon the president or vice-president thereof.

Sec. 5. That this act shall take effect from and after its passage, and the charter herein granted shall remain in full force and effect for and during the period of twenty-five years.

Approved April 15th, 1873.

CHAPTER LXXXVI.

An Act for the Relief of Stephen F. Minton, requiring the Commissioner of the General Land Office to issue certain Land Certificates to him.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to Stephen F. Minton two land certificates for six hundred and forty acres of land each, which certificates may be located, surveyed and patented upon any of the public lands of the State not otherwise appropriated.

Sec. 2. This act shall take effect and be in force from its passage.

Passed April 17th, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the eighteenth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LXXXVII.

An Act to authorize and empower the County Court of Bosque County to Levy and Collect a Special Tax for the purpose of Building a Court House and Jail, and to validate a tax already levied.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Bosque county be, and the same is hereby authorized and empowered to levy and have collected a special tax, not to exceed one per cent. per annum upon all the taxable property in said county, for the purpose of building a court house and jail in said county.

Sec. 2. That said tax, or so much thereof as said County Court may deem proper, shall be levied and collected upon the assessment for the year 1873, and for each succeeding year thereafter, until a sufficient amount shall be raised to build said court house and jail.

Sec. 3. Said tax shall be assessed and collected as other State and county taxes.

Sec. 4. Be it further enacted, That the tax which has been heretofore levied by said court for the above named purpose is hereby legalized and made valid, and the court is authorized to appropriate the money so collected to the erection of either of the buildings herein named.

Sec. 5. Be it further enacted, That when said taxes are collected, they shall be paid over to the county treasurer, who shall pay the same out on the order of the County Court; provided, said treasurer shall give bond for the faithful disbursement of said fund, which bond shall be approved by said County or Police Court; and that this act take effect and be in force from and after its passage.

Passed April 18th, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-first day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER LXXXVIII.

An Act to authorize the County Court of Henderson County to levy a tax to pay the outstanding indebtedness; the repairing of Bridges, the Jail, and the Court House; and for all other purposes for which the said County Court is by law authorized to levy a tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That for the purpose of paying off the outstanding indebtedness, and defraying the ordinary and general expenses and repairs to jail and court house, in repairing and building bridges, and for all other purposes for which the County Court of Henderson county is now by law authorized to levy a tax, be and the said County Court of Henderson county are empowered and authorized to levy a tax on all taxable property in said county, not exceeding three-fourths of the State tax levied on the same property, which tax, when levied, shall be collected and paid into the county treasury of said county, as taxes now are by law.

Sec. 2. Be it further enacted, That all moneys derived from taxation, fines and forfeitures, sales of estray property, and from any other source due to and paid into the treasury of said county, shall constitute but one general fund for the ordinary expenses in the legal administration of the affairs of said county, and shall be disbursed under the direction of said County Court, without any preference of one claim to another against said county.

Sec. 3. Be it further enacted, That all money that may be due said county from or by fines or forfeitures, sales of estray property, and also taxes, when the same can be conveniently offseted, may be paid off in any legal just claim allowed against said county.

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Sec. 4. Be it further enacted, That this act take effect and be in force from and after its passage, and that the same be printed with general laws.

Approved April 18th, 1873.

CHAPTER LXXXIX.

An Act to incorporate the Kaufman County Agricultural, Mechanical and Blood Stock Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. J. Snow, F. A. Waters, H. L. Parsons, Green J. Clark, Frank Hallonquist, J. W. Fender, W. L. Fowler, George Stovall, A. J. Stovall, A. T. Wilson, B. S. Wood, H. T. Nash, Andrew A. Henry, Samuel Pyle, G. A. Buchanan, Geo. D. Manion, Benjamin Morris, R. B. Shaw, R. A. Terrill, T. C. Saddler, and their associates and successors, be and they are hereby declared a body corporate and politic under the name and style of the "Kaufman County Agricultural, Mechanical and Blood Stock Association;" and as such shall be capable of suing and being sued, pleading and being impleaded, contracting and being contracted with, and doing and performing all things necessary to carry into effect the objects of this act of incorporation; and shall have a corporate seal.

Sec. 2. That the objects of said association are declared to be, the improvement of the breed of domestic animals and the encouragement of agricultural and mechanical improvements; and for these purposes said association is authorized to purchase, import, breed and sell any kind of domestic animals, and to purchase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the mechanical, agricultural and manufacturing interest of the people of said county of Kaufman or of the State; provided, nothing herein contained shall infringe upon the rights of patentees; and for the further purpose of carrying out the objects of this association as above declared, said association is hereby authorized to own the necessary real estate for fair grounds, and to erect upon the same such improvements as may be necessary to carry out the objects of this association. That the fair grounds and other im-

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provements of said association shall be located in the county of Kaufman in this State.

Sec. 3. That the board of directors shall have power to make all necessary rules and regulations for the holding of their fairs and for the preservation of order and decorum, and the protection of the fair grounds from disturbances or breaches of the peace during the time of holding fairs. At the commencement of said fairs, rules shall be conspicuously posted up at the entrance gate thereof, and any person who shall wilfully violate any of said rules or regulations shall be subject to a fine not exceeding fifty dollars to be recovered by complaint or indictment in any court having jurisdiction of such offenses.

Sec. 4. That the capital stock of said association shall not exceed twenty-five thousand dollars, to be divided into shares of twenty-five dollars each. That the affairs of said association shall be conducted by a board of directors, who shall elect from their number a president, vice-president, secretary, treasurer, and such other officers as may be necessary for a successful operation of said association. That the persons named in this act shall constitute the board of directors for one year from the date of the passage of this act, at the expiration of which time a board of directors of not less than five nor more than fifteen, may be elected by the stockholders of said association.

Sec. 5. That this act take effect from and after its passage, and continue in force fifty years.

Approved April 18th, 1873.

CHAPTER XC.

An Act to incorporate the City of Lampasas, in the County of Lampasas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the city of Lampasas, in Lampasas county, be and they are hereby declared a body politic and corporate under the name and style of the Corporation of the city of Lampasas; and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real, personal and mixed.

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Sec. 2. That the limits of said corporation shall extend and are defined as follows: Beginning at the northwest corner of Barnes' addition; thence with the west boundary line of said addition to Sulphur Creek; thence down said creek to the west boundary line of the tract formerly owned and now partially owner by Moses Hughes; thence south 19° east with said line to the south boundary line of the Burleson survey; thence with the south boundary line of the said Burleson survey, north 71° east to the original boundary line between Josiah Casbur and the original Quilin survey; thence between said surveys to the south boundary of the Casbur farm; thence with the south boundary of said farm to the original line between Hughes and Casbur; thence with said line north 19° west, to the Sulphur Creek; thence with its meanders up said creek to the mouth of Burleson Creek; thence up said Burleson Creek with its meanders to a point where a line running north 19° west, would strike the northwest corner of Cooper's farm; thence with said farm to the northwest corner thereof; thence north to the north boundary line of the Burleson survey; thence with said boundary line south 71° west; thence south, 19° east, with the west boundary line of said survey to Burleson Creek; thence up said creek with its meanders to the northwest corner of the Barnes' addition to the place of beginning.

Sec. 3. That it shall be the duty of the qualified electors of said city to elect a mayor and eight aldermen, who shall hold their offices for the term of two years, and until their successors are elected and qualified.

Sec. 4. The mayor and aldermen of said city shall have power to pass ordinances for the removal and abatement of nuisances, public and private; to prevent live stock from running at large; to provide for the punishment, by fine and imprisonment, either or both, for the violation or the non-compliance with the ordinances of said corporation; to prevent crime, keep order, suppress riots and breaches of the peace; to regulate the bearing of deadly weapons, suppress gaming and all other illegal, disorderly and immoral acts within the limits of said corporation; open, repair, grade and keep in order the streets, build bridges and causeways, open sewers, construct water works, and manage, control and keep in order all public grounds, whether here named or

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not. They shall also have power to impose reasonable taxes upon all real and personal property within said corporation, not to exceed one per centum per annum, and upon all games and gaming devices and occupations taxable by the State of Texas; to issue bonds for public improvements, and to provide a sufficient police and patrol for the protection of the peace, quiet and good order of the city; to divide said city into three wards, and apportion the aldermen to represent each ward; provided, that the aldermen at the first election shall be chosen without regard to wards.

Sec. 5. The mayor and aldermen shall appoint a city marshal, who shall also be assessor and collector of city taxes; a secretary and city attorney, who shall hold their offices for two years, unless sooner removed for good cause, spread upon the minutes of said corporation, by the mayor and a majority of the board of aldermen. The marshal, as marshal and assessor and collector of taxes, shall give a good and sufficient bond, payable to the corporation, conditioned for the faithful performance of his duties, said bond to be approved by the said mayor and aldermen of said city.

Sec. 6. The mayor with five aldermen shall constitute a quorum for the transaction of business, and in the absence of the mayor, the board of aldermen shall elect one of their number pro tempore.

Sec. 7. The mayor of said corporation shall have power and jurisdiction to arraign, try and punish all offenders against the law and ordinances of said corporation.

Sec. 8. It shall be the duty of the mayor to enforce and carry into effect such by-laws and ordinances, not inconsistent with the laws of the State of Texas, as the board of aldermen may from time to time enact for the better regulation of the police of the corporation.

Sec. 9. Every male person who has attained the age of twenty-one years, and who has resided within the limits of said corporation for thirty days preceding any election, and who is a registered voter within the limits of the corporation, shall be a qualified elector, and none other.

Sec. 10. The mayor, aldermen and all other officers, before entering upon the duties of their offices shall take an oath to support the Constitution of the United States,

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that of the State of Texas, and the charter, laws and ordinances of said corporation.

Sec. 11. The mayor and aldermen shall provide by ordinance for the compensation of all officers of said corporation.

Sec. 12. All ordinances and resolutions enacted by said corporation shall be published by posting notice at three public places in the limits of the corporation, or by publication for at least three successive weeks in a newspaper published within the limits of said city.

Sec. 13. The first election shall be held as follows: It shall be the duty of the sheriff of Lampasas county within thirty days after the passage of this act, or as soon thereafter as practicable, to order an election for mayor and aldermen of said corporation, by giving ten days notice thereof, or by publishing a notice in a weekly newspaper published in said city for three successive weeks next before said election; and the officers thus chosen shall hold their offices until their successors snall be elected and qualified. All subsequent elections shall be held on the first Monday in January, every second year, by the mayor and three aldermen.

Sec. 14. That this act take effect and be in force from and after its passage.

Approved April 18th, 1873.

CHAPTER XCI.

An Act to Incorporate the Town of Giddings, in Washingington County.

Section 1. Be it enacted by the Legislature of the State of Texas, That D. Harris, C. M. Seals, J. T. Rone, W. L. Johnson and L. L. Rasbury be, and they are hereby appointed a board of commissioners, a majority of whom shall constitute a quorum for business, whose duty it shall be, within sixty days after the passage of this act, to hold a meeting and provide for calling an election in said town, for a mayor and five aldermen, to be elected by the qualified voters of said town. Said commissioners shall open polls in said town, and shall hold and conduct said election, and make returns thereof, in accordance with the laws of this State governing elec-

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tions. They shall give at least ten days notice of said election, by posting written notices of the same in at least five prominent places in the town. The mayor and aldermen elected at said election shall hold their offices for one year; and may sue and be sued, plead and be impleaded, and acquire and hold real and personal property within the limits of said corporation, and at their pleasure may sell and dispose of the same.

Sec. 2. That the limits of said corporation shall embrace an area of one mile square, from the depot or railroad station house in said town as a central point.

Sec. 3. That the mayor and board of aldermen, five in number, shall be appointed by the Governor, and shall hold their offices until the next general election, or until otherwise provided by law. They shall have authority to appoint a constable, secretary and treasurer, who shall hold their offices for the same term as themselves; the treasurer and constable shall be required to give bond in such amount and with such security as shall be approved by the mayor for the faithful performance of their duties, and to make reports when required by the mayor and aldermen. The mayor shall have such criminal jurisdiction in the trial of all violations of the ordinances of the town, as is conferred by law on justices of the peace in similar cases; and before entering upon the duties of his office he shall take the oath prescribed by the Constitution, and give such bond and security as a justice of the peace is required to give. The constable shall hold and exercise all the powers, and discharge all the duties within said corporation, of a constable of the county.

Sec. 4. That the mayor and board of aldermen of said corporation shall have power to pass such rules and ordinances, not inconsistent or in conflict with the Constitution and laws of the United States, or of this State, as may be necessary to promote the prosperity of said corporation, and preserve order within the limits of the same; to levy taxes for the removal of nuisances, and keeping the streets in order; to adopt such sanitary regulations as may be necessary to preserve the health of the corporation; and to prescribe penalties for the violation of said ordinances and by-laws; provided, that such penalties shall in no case exceed the sum of one hundred dollars.

Sec. 5. That the mayor, with a majority of said board

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of aldermen, shall constitute a quorum for the transaction of business. They may enact and enforce such rules and regulations as they may deem necessary for the government of such corporation; provided, that the same do not conflict with the Constitution and laws of the State.

Sec. 6. That no person shall be eligible to hold an office in said corporation, or vote for the officers thereof, unless he be a registered voter of the State, and shall have resided within the limits of said corporation, six months immediately preceding said election; provided further, that all persons living in said corporation, legally qualified to vote in other elections, shall be entitled to vote and hold office at the first election.

Sec. 7. That it shall be the duty of the mayor to cause an election to be held annually, at least ten days before the expiration of his term of office, after giving at least ten days notice thereof, for a mayor and five aldermen, and constable, who shall enter upon the duties of their respective offices, upon the expiration of the term of their predecessors.

Sec. 8. That in case of the failure of the mayor to order and hold such election as is specified in this act, then any five citizens within the limits of said corporation may, after giving ten days notice, order and hold such election.

Sec. 9. That this act take effect and be in force from and after its passage.

Approved April 18th, 1873.

CHAPTER XCII.

An Act making an appropriation to pay the salary of Hon. Lipscomb Norvell, as Special Judge of the District Court of Tyler County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred and eighty ($180) dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of the salary of Hon. Lipscomb Norvell for the period of eighteen days as special judge of the District Court of Tyler county, at the October

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term, A. D., 1871, of said court, and that the Comptroller issue his warrant upon the Treasurer for the same, upon the demand of said Norvell, his agent or attorney in fact.

Sec. 2. That this act take effect from its passage.

Approved April 18th, 1873.

CHAPTER XCIII.

An Act to incorporate the Bridgeport Bridge Company, in Wise County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Charles D. Cates and J. W. Hale, and such other persons as they may associate themselves with, be and they are hereby incorporated under the name and style of the "Bridgeport Bridge Company;" and under such name shall sue and be sued and have succession for fifteen years. They may have a corporate seal and the right of holding property, real, personal and mixed, for the purpose of carrying out the objects of this incorporation, and may transfer, alienate and dispose of their joint stock or individual interest therein at pleasure; and to do all other works and perform all other acts which may be necessary, not in conflict with the Constitution and laws of this State.

Sec. 2. That Charles D. Cates, J. W. Hale, and their associates, under the name and style aforesaid, shall, within twelve months from and after the passage of this act, be authorized to keep and maintain a good, substantial and permanent bridge across the West Fork of Trinity river, at or near the mouth of Village creek, in Wise county, where the Decatur and Jacksboro road crosses said river, until the expiration of this charter.

Sec. 3. That no bridge or ferry shall be established on or over said stream within three and one-half miles of said bridge, on which toll shall be charged or collected for crossing the same; provided, this section shall not prohibit or interfere with any private crossing or bridge.

Sec. 4. Said corporation shall have power to pass such by-laws as may be deemed necessary, not in conflict with the Constitution and laws of this State.

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Sec. 5. Said corporation may appoint a director, by whom the business of the company may be conducted.

Sec. 6. That from and after the passage of this act, said Charles D. Cates, J. W. Hale and their associates, shall be entitled to charge and receive from all persons crossing said bridge, toll as follows, to-wit: For each four horse or mule wagon, seventy-five cents; for each additional pair of horses or mules, twenty-five cents; for each ox wagon not exceeding three yoke, seventy-five cents; for each extra yoke, fifteen cents; for each two-horse wagon or carriage, fifty cents; for each one-horse buggy, thirty-five cents; for each trail wagon, twenty-five cents; for each man and horse, fifteen cents; for each loose horse, ten cents; for each footman, five cents; for each head of loose stock, of cattle, beeves, horses or mules, five cents; for each sheep, goat or hog, two cents; and for all other things not herein enumerated a proportional rate.

Sec. 7. That if any person shall willfully fail or refuse to pay tolls after crossing said bridge, he shall be liable to forfeit and pay to the said company the sum of five dollars and costs of suit, recoverable before any justice of the peace as in other cases.

Sec. 8. Suits arising under the preceding section may be prosecuted in the county or precinct in which said bridge is situated, or in the precinct or county of the defendant's residence.

Sec. 9. That this charter shall continue in force for the term of fifteen years from and after its passage.

Sec. 10. That this act take effect from and after the date of its passage.

Passed April 18th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-second day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and there upon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER XCIV.

An Act to incorporate the Town of Cuero, in DeWitt County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the inhabitants of the town of Cuero, in DeWitt county, within the boundaries hereinafter set forth, be and they are hereby constituted a body politic and corporate, with a common seal, by the name and style of "The Town of Cuero;" and by that name may sue and be sued, plead and be impleaded, and shall have power to acquire, hold, and dispose of such real and personal property, as may be necessary for or incident to the the exercise of the functions of a municipal corporation.

Sec. 2. The boundaries of the town of Cuero shall be as follows: Beginning at a point on the line of the Gulf, Western Texas and Pacific Railway, one-half mile S. 65° 30′ E. from the Cuero depot; thence N. 24° 30′ E. 1270 varas; thence N. 65° 30′ W. 2850 varas; thence S. 24° 30′ W. 1900 varas; thence S. 65° 30′ E. 2850 varas; thence N. 24° 30′ W. 630 varas, to the place of beginning.

Sec. 3. Every qualified elector according to the laws of this State, who has resided in the town of Cuero for the six months next preceding the election, shall be entitled to vote at all corporation elections; provided, that at the first election, and no other, any qualified elector in this State, who is a resident of the town, shall be entitled to vote.

Sec. 4. The officers of this corporation shall be a mayor, a recorder, a marshal, and five aldermen.

Sec. 5. The mayor shall be the president of the board of aldermen, and shall, with three of the aldermen, constitute a quorum for the transaction of business; and the quorum shall have power to enact such by-laws and ordinances, not inconsistent with the Constitution and laws of this State, as shall be deemed proper for the government of the town.

Sec. 6. The board of aldermen shall have and exercise control over the streets and other public places in the town; they shall as far as practicable, prevent any nuisances within the limits of the town, and cause such as may exist to be removed at the expense of the persons by whom they were occasioned; they may establish and

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regulate markets, and do whatever else may be necessary to give effect to the provisions of this act.

Sec. 7. The board of aldermen shall have power to levy taxes upon such occupations and upon such property, real and personal, within the limits of the town as is subjected to taxation by the laws of the State; but the tax on occupations shall not exceed for any one year that levied by the State, nor shall the tax on property exceed in any one year the rate of fifty cents on each hundred dollars.

Sec. 8. The board of aldermen shall prescribe the fine to be imposed by the mayor for the violation of any by-law or ordinance, which fine shall in no case exceed one hundred dollars.

Sec. 9. When a vacancy shall occur in any of the offices created by this act, or which may be created by the by-laws or ordinances enacted by the board of aldermen, the acting aldermen shall fill such vacancy for the unexpired term.

Sec. 10. The board of aldermen shall appoint such officers, other than those mentioned in this act, as shall be deemed necessary to carry out the provisions of the same; to prescribe the duties and fix their compensation, and to dismiss them, and appoint others in their stead.

Sec. 11. The board must prescribe the bonds and security which the marshal and other officers shall give, which shall be approved by the mayor, before the marshal or other officer shall enter upon the discharge of his duties. If the bond required is not given within five days after the election of the marshal, or the appointment of other officer, the board shall proceed to appoint another in his stead.

Sec. 12. It is also the duty of the mayor in his court to enforce and carry into effect the by-laws and ordinances of the corporation enacted pursuant to this charter. Where the penalty for the violation of a by-law or ordinance is not fixed therein, the mayor shall have power to enforce fines not exceeding twenty dollars.

Sec. 13. The marshal shall exercise the same powers and functions within the limits of the town, and shall perform the same duties therein, as a constable under the laws, civil and criminal, of this State; and in addition shall have such rights and powers, and discharge such duties, as shall be prescribed by the by-laws and ordinances enacted by the board of aldermen.

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Sec. 14. The first election for officers of the town of Cuero shall be held on the first Monday of June, 1873, by officers of election appointed by the presiding justice of DeWitt county, to whom returns shall be made, and who shall issue certificates of election to the persons having the highest number of votes, who thereupon, after taking the Constitutional oath and giving bond, if one be required by the board of aldermen, shall enter upon the discharge of their duties, and shall hold their offices for the term of one year, and until the election and qualification of their successors.

Sec. 15. After the first elections shall be held under the town authorities, as provided by the by-laws or ordinances of the town, the term of office shall be for one year, and until successors are chosen and qualified, as provided in the preceding section of this act. No one shall be deemed qualified to hold office who is not a voter in the town.

Sec. 16. An annual election shall be held for the officers provided for in this act on the first Monday in June of each year, in such manner and upon such notice as may be prescribed by the mayor and aldermen.

Sec. 17. That this act shall take effect and be in force from and after its passage.

Approved April 23d, 1873.

CHAPTER XCV.

An Act amendatory of and supplementary to an Act entitled "An Act to incorporate the Home Insurance and Trust Company of Texas," approved December 1st, A. D. 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act shall be so amended as to read as follows: That R. D. Johnson, S. H. Gilman, A. Kory, S. K. Labatt, Selim Rinker, W. B. Sorley, Henry Pendleton, S. Heidenheimer, J. K. Speers and S. W. Sydnor, of the county of Galveston and State of Texas, and their associates and successors, be and they are hereby constituted a body corporate and politic, under the name and style of the "Home Insurance and Banking Company of Texas;" and

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under said name, may sue and be sued, plead and be impleaded, defend and be defended in all courts whatsoever in this State, and make contracts and be contracted with, and may have and use a common seal, and do all other acts, and have all rights and privileges heretofore granted said company under the name and style of the "Home Insurance and Trust Company of Texas," and shall be bound by all the obligations and contracts existing, in like manner as though said name had not been changed as herein provided; and shall in like manner be liable for every debt due, demand and claim under the new, as the former name.

Sec. 2. That at all annual elections for the board of general directors, the board shall appoint two members of the board of general directors, and two of the stockholders of the company to preside at and manage said election.

Sec. 3. That the vice-president shall serve for the time he was elected a director, and in case of the death, permanent absence or refusal to act of the president, he shall preside at all meetings of the board, and conduct the business of the company generally, under their supervision, until a president is duly elected and qualified.

Sec. 4. That section sixteenth be amended to read as follows: Sec. 16. That the entire property and assets of the principal and all agencies shall be alike liable for all losses incurred by each in every district. All policies shall issue from, and all losses be adjusted and paid at the principal office in Galveston county, by advice of and concurrence with the local board of trustees of the district in which the loss occurs. On the first day of every month, every board of trustees shall, through their proper officers, make a return to the secretary of the principal office in Galveston county, of the exact condition of their agency at that date, with remittances.

Sec. 5. That section 18 be amended to read as follows: Sec. 18. That annually, on the first day of January, the general board of directors shall make a statement of the exact condition of the company, inclusive of all agencies, which statement shall be sworn to by the president, cashier and secretary, and published not less than three times in two daily papers in Galveston; and should such statement show a sufficient net surplus from the business of the previous twelve months, after placing such a sum to the reserve fund as the existing

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liabilities may demand, the board of general directors may declare a dividend of all surplus funds on the entire stock certificates; provided, that no dividend shall be paid to the stockholders exceeding twenty per centum per annum.

Sec. 6. That section 19 be amended to read as follows: Sec. 19. That all losses shall be paid out of the earnings of the company, and should they be insufficient, then out of the capital stock.

Sec. 7. That this act shall take effect and be in force from and after its passage.

Approved April 23d, 1873.

CHAPTER XCVI.

An Act to authorize Thomas M. Cain and W. J. Agee to construct a Toll Bridge across Sabine River.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas M. Cain and W. J. Agee be, and they are hereby authorized to contruct a toll bridge across Sabine river at or near the old Tanner crossing on the county line, between Van Zandt and Raines counties.

Sec. 2. That it shall be the duty of the said Cain and Agee, within three months from the passage of this act, to have constructed a good and substantial bridge, and in good condition for the crossing of the traveling community, for wagons, carriages, vehicles and horses, oxen, cattle and stock of all di[e]scription.

Sec. 3. That it shall be the duty of the said Cain and Agee, within six months from the passage of this act, to have all the sloughs bridged, and the bottom so leveed and causewayed that it will be a good and substantial road through the bottom at said Tanner crossing; and on the completion of said bridge and causeways, the said Thomas M. Cain and W. J. Agee, their agents or successors, be authorized and empowered to charge, receive and collect toll for crossing said bridge, at the following rates, to-wit: For every footman, five cents; for every vehicle and two animals, thirty-five cents; for a four horse or ox wagon, fifty cents; for a horse and buggy, twenty-five

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cents; for other vehicle, and a horse or mule or ox, twenty-five cents; for man and horse, ten cents; for loose horse or ox, five cents; for six horse, mule or ox wagon, sixty cents; for each additional animal, five cents; for hogs, sheep and goats, each, two cents; for cattle in drove, when crossed on bridge, each three cents.

Sec. 4. That the right and privilege herein granted shall inure to the said Thomas M. Cain and W. J. Agee, their heirs and assigns, for fifteen years; provided, however, that the parties who have this privilege shall be subject to the general laws of the State regulating bridges and ferries, which are or may hereafter be enacted.

Sec. 5. That no bridge or ferry shall be permitted or allowed to be constructed to collect toll, or be vested with the right so to do, within three miles above or below said bridge; and that if the said bridge or causeway be out of order at any time for a term of three months, this charter shall be forfeited.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Passed April 24th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-fifth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XCVII.

An Act for the Relief of the Heirs of William Garnett, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to the heirs of William Garnett, deceased, a bounty land warrant for nineteen hundred and twenty acres, and a donation warrant for six hundred and forty

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acres of land, by reason of said Garnett's having fallen with Travis, at the Alamo; which may be located and patented, as other valid land certificates.

Sec. 2. That the Commissioner of the General Land Office is hereby authorized and required, on the application of the heirs of said William Garnett, deceased, to cancel the head-right grant of one-quarter league issued to said William Garnett on the 17th day of March, 1834, because of the conflict thereof with an older grant, and to issue to said heirs a certificate for one-quarter league in lieu thereof, which may be located and patented as other land certificates.

Sec. 3. That this act take effect from and after its passage.

Passed April 26th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XCVIII.

An Act to authorize the County Court of Upshur County to issue interest bearing bonds to finish paying for the building of the Court House of said County, and to levy and collect a tax to pay the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Upshur county be and the same is hereby authorized to issue the bonds of said county to the amount of five thousand dollars, in such amounts as said court may deem proper, payable twelve months after date, and bearing ten per centum interest per annum, signed by the presiding justice of said county, with the seal of the County Court thereon impressed; said bonds to be used by said court in the payment of the balance due for building the court house of said county, in such manner and on such terms as said court may determine.

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Sec. 2. That the County Court of said county of Upshur shall levy, for the year A. D. 1873, on the taxable property within said county, an additional tax, not to exceed one-fourth of one per centum on the value of said property, which tax shall be assessed and collected at the same time and in the same manner as other taxes.

Sec. 3. That the taxes authorized to be levied and collected by section two of this act, when collected, shall be paid over to the county treasurer of said county, and shall be applied by him to the payment of said bonds, and to no other purpose, until said bonds are all of them paid; and if any of said tax shall remain in the hands of said treasurer, after the payment of said bonds, the same shall be subject to the control of said County Court.

Sec. 4. That this act take effect and be in force from and after its passage.

Passed April 26th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER XCIX.

An Act to authorize James P. Dumas, and such other persons as he may associate with him, and their successors, to construct, own and keep a Toll Bridge on, over and across Choctaw Bayou, in Grayson County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That James P. Dumas, and such other persons as he may associate with him, and his or their successors, be and they are hereby authorized and empowered to construct, own and keep a toll bridge on, over and across the stream known as Choctaw Bayou, in Grayson county, Texas, at the crossing known as the "McIntyre crossing" on said bayou, which is on the road leading from Preston, by way of Denison City, in said

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Grayson county, to Warren and Bonham, in Fannin county.

Sec. 2. That the said James P. Dumas, his associates and successors, are hereby authorized to demand, receive and collect the following rates of toll, to-wit: For every wagon or vehicle drawn by more than four horses, mules or oxen, seventy-five cents; for every wagon or vehicle drawn by four oxen, horses or mules, fifty cents: for every wagon or vehicle drawn by two horses, mules or oxen, forty cents; for every wagon or vehicle drawn by one horse, mule or ox, twenty-five cents; for every man and horse, ten cents; for every footman, five cents; for every horse, mule or head of cattle, five cents; in droves, three cents; for every hog, sheep or goat, two cents.

Sec. 3. That said Dumas and his associates or successors shall not be allowed to collect tolls on said bridge until the Police Court of Grayson county shall have examined, or caused to be examined, said bridge, and have ascertained the same to be a safe and secure bridge, and that the same is, in every respect, in suitable condition for the use of the traveling public. Said bridge shall be examined annually by the police court or proper authorities of said county, and no toll shall be collected without such an examination and a certificate from said authorities that the said bridge is safe and fit for use; and provided also, that said Dumas, his associates and successors, shall be liable for all damages that may accrue to persons or property on account of negligence in keeping said bridge in good repair.

Sec. 4. That said Dumas, his associates or successors, shall not be entitled to the rights and privileges herein granted unless a good, substantial and safe bridge is erected, above high water mark, over said Choctaw Bayou, and completed and in condition for crossing wagons, stock and persons within three months from the passage of this act.

Sec. 5. The right to collect toll on and from said bridge shall continue to the said James P. Dumas, his associates and successors, for and during fifteen years from and after the passage of this act.

Sec. 6. No other toll bridge or crossing, save the one hereby authorized to be constructed, shall be erected across said stream within three miles of said McIntyre crossing.

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Sec. 7. This act shall take effect and be in force from and after its passage.

Passed April 26th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER C.

An Act to incorporate a Company to be styled the "Palestine Fire Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That J. R. Palmer, C. A. Stearn, J. W. Ozment, Henry Ash, T. T. Gamanage and Robt. McClure, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, under the name and style of the "Palestine Fire Company;" with power to sue and be sued, plead and be impleaded; to appear and prosecute to final judgment in any court or elsewhere; to have a common seal, with such device as they may adopt; to elect, in whatever manner they may choose, the officers necessary to command them; to establish by-laws for the regulation and government of their affairs, not inconsistent with the Constitution and laws of this State, and the same to alter and amend at pleasure, and to hold real and personal property, and dispose of the same; and said company shall not be less than twenty-five nor more than one hundred members.

Sec. 2. That said company shall have power by their constitution and by-laws to try violators of their ordinances agreed upon by a majority of the members of said company; to suspend or expel any member of the company, after first allowing a full and fair opportunity for explanation or defense.

Sec. 3. That the actual active members of the company, who shall hereafter have served therein for five

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years, shall be exempt from jury service, except in capital cases.

Sec. 4. That neither the company nor its members shall be liable in damages, or otherwise, for property destroyed or injured by the company while in the discharge of their duties as firemen.

Sec. 5. That the ground and house, if any, owned and used by said company for their engine and apparatus, and their meetings, so long as so used by the consent, and under the control of the municipal government of Palestine, shall be exempt from State, county and municipal tax; provided, that this charter is granted with the express understanding that said fire company shall be subject to all rules, regulations and ordinances now in force, or hereafter enacted by the mayor and council of Palestine.

Sec. 6. That this act take effect from and after its passage.

Passed April 26th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CI.

An Act to authorize and require the Commissioner of the General Land Office to issue certain Land Certificates therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue the following named land certificates, to-wit: To T. O. Harris, six hundred and forty (640) acres, donation, he having participated at San Jacinto; to the heirs of William Ward, nineteen hundred and twenty (1920) acres, bounty, and six hundred and forty (640) acres, donation, he having been killed with Fannin; to the heirs of Wm.

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Goddin, one-third of a league, he never having received the headright to which he is entitled as a volunteer; to M. B. Skerrett, one-third of a league, headright, to which he is entitled as a volunteer, in lieu of No. 36, issued in Travis county; to the heirs of John Hoffler, six hundred and forty (640) acres, he having died in the service; Absalom P. Joice, six hundred and forty (640) acres, headright, in lieu of No. 162, issued in Shelby county, without the conditional; to Wm. T. Evans, four hundred and eighty (480) acres, bounty, in lieu of warrant No. 1195, not presented to the Court of Claims; to the heirs of Mills D. Andross, fourteen hundred and seventy-six (1476) acres, headright; to Ira Milliman, six hundred and forty (640) acres, donation, he having participated at San Jacinto; to Joseph D. Vermillion, one-third of a league of land, headright, three hundred and twenty (320) acres, bounty, and six hundred and forty (640) acres, donation, he being a volunteer and at San Jacinto; to Richard Williams, three hundred and twenty (320) acres, bounty, in lieu of warrant No. 1225, not presented to the Court of Claims.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed April 26th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CII.

An Act to incorporate the Leon River Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John P. Key, John L. McElroy, William Jones, of the county of Coryell, and State of Texas, and such other persons as they may associate with them, and their successors, are hereby constituted and de-

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clared to be a body corporate and politic under the name and style of the "Leon River Bridge Company;" and under and by that name and style may sue and be sued, plead and be impleaded in all the courts of the State of Texas, and may have a common seal and alter the same at pleasure.

Sec. 2. That the said company, under the name and style aforesaid, shall be and is hereby authorized to construct a bridge across the Leon River, at such point as may be in the opinion of said company most eligible, at or within one mile and a half above the point where the north boundary line of the county of Coryell crosses said river, and on the road leading from the town of Hamilton, in the county of Hamilton, to the town of Gatesville, in the county of Coryell, via Jones' Mill, in said county of Coryell, and to acquire by purchase and donation, or either, property, real, personal and mixed, and to hold or sell the same in any amount necessary to construct and maintain said bridge, and to do all other works, and perform all other acts, that may be necessary for that purpose not contrary to the Constitution of this State, and shall be subject to the laws of this State which are now or may hereafter be in force governing bridges and ferries.

Sec. 3. That said bridge shall be completed within one year from and after the passage of this act.

Sec. 4. That said company may demand and receive, for the use of said bridge, tolls, which shall not exceed the following rates: For a loaded wagon drawn by from four to six yoke of oxen, one dollar; empty wagons drawn by from four to six yoke of oxen, seventy-five cents; for a loaded wagon drawn by three yoke of oxen, or six horses or mules, seventy-five cents; empty wagon drawn by three yoke of oxen, or six horses or mules, fifty cents; for a loaded wagon drawn by two yoke of oxen, or four horses or mules, fifty cents; an empty wagon drawn by two yoke of oxen four horses or mules, twenty-five cents; for a wagon or cart, loaded or empty, drawn by one yoke of oxen, two horses or mules, twenty-five cents; for a double buggy, or four horse coach, fifty cents; for a single buggy, or four horse coach, fifty cents; for a single buggy, twenty-five cents; for a man and horse, ten cents; footmen, five cents; cattle or horses in droves, three cents each; sheep, goats or hogs, one cent each; any other species of stock, or other property, crossed on said bridge, and not enumerated above, a toll fee in proportion as above.

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Sec. 5. That said company be, and it is hereby required to keep said bridge and its abutments in good repair, and to keep in attendance at the toll gate of the same a sufficient number of persons or keepers to admit persons and property across said bridge at any time, by day or night.

Sec. 6. That said company shall have and exercise full control over said Leon river for a distance of three miles above and below said bridge, and no ferry or bridge shall be established on said river within three miles of said bridge; provided, said company shall keep said bridge in good repair, so that it will at all times be safe for the passage of persons and property.

Sec. 7. That if any person shall willfully fail or refuse to pay toll after crossing said bridge, he shall be liable to forfeit and pay to the said company the sum of five dollars and costs of suit, recoverable before any justice of the peace as in other cases.

Sec. 8. That the rights and privileges herein granted shall inure to the said company, their successors and assigns, for fifteen years.

Sec. 9. That this act shall take effect and be in force from and after its passage.

Passed April 26th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of April, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CIII.

An Act for the Relief of Wm. W. Wallace.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State be, and he is hereby authorized and required to draw his warrant on the Treasurer of the State, in favor of Wm. W. Wallace, for the sum of five hundred and eighty-three

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dollars, the same being due said Wallace as compensation for his services as special judge, appointed by the Governor to hold special terms of the District Court in Shelby county, and in which service he was engaged for a term of sixty days; and that the Treasurer of the State is hereby required to pay said sum out of any moneys in the treasury not otherwise appropriated.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved April 28th, 873.

CHAPTER CIV.

An Act to Incorporate the "Real Estate, Building and Savings Association" of Dallas.

Section 1. Be it enacted by the Legislature of the State of Texas, That G. M. Swink, A. C. Ardrey, J. C. Woodside, D. McCaleb, W. H. Thomas, Thomas Field, P M. Brown, J. W. Lane, J. W. Swindells, John H. Brown, John J. Eakins, Charles H. Jenkins, F. E. Hughes, A. A. Johnson, S. W. S. Duncan, Thos. Walker, W. R Ault, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the "Real Estate, Building and Savings Association," of Dallas, Texas, with capacity in said corporate name to make contracts; to hold, buy and sell property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds and mortgages and deeds of trust; to have succession and a common seal; to make by-laws for the government and regulation of its affairs; to sue and be sued, to implead and be impleaded; to declare dividends and to make division of property; to loan its moneys to any person or persons, on any security it may think proper; to receive deposits, buy and sell bills of exchange, drafts or other obligations, bonds and other securities, and do and perform all such things, consistent with the laws of this State, as may be necessary and proper for, and incident to the fulfiillment of its obligations and the maintenance of its rights under this act; provided, that nothing in this act shall be so construed as to authorize this cor-

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poration to use its moneys in any manner which it may not be lawful for any citizen of the State to do.

Sec. 2. That the officers and managers of the association shall consist of seven (7) directors, to be elected by the shareholders; one president and one vice president, to be chosen by the board of directors; also, a secretary and a treasurer, to be selected by the directors from the stockholders; such officers shall receive such compensa as the by-laws may provide, and their term of office shall be for one year, subject to removal in such manner as the by-laws may prescribe.

Sec. 3. That the capital stock of said company shall be fifty thousand dollars ($50,000), with the power and privilege of increasing the same to three hundred thousand dollars ($300,000).

Sec. 4. That the capital stock of fifty thousand dollars ($50,000) shall be divided into shares of fifty dollars ($50) each, payable in monthly installments of five dollars ($5) per month, and no shareholder shall be required to make payment of installments of his stock other than as herein required.

Sec. 5. That should any shareholder of this corporation fail or neglect, or refuse to pay or cause to be paid, in regular monthly installments, his stock shall be forfeited to the association; provided, that by and with the consent of the directors, for good cause shown, such delinquent may be allowed thirty days to redeem such stock thus forfeited.

Sec. 6. That in case any share of stock should become forfeited in accordanee with the foregoing provisions, the board of directors shall dispose of the same as the by-laws may direct.

Sec. 7. That whenever fifty (50) shares shall have been subscribed, and one month installment paid in, this association shall be deemed organized, and competent to transact business under this charter, and be entitled to all the grants and privileges hereunder.

Sec. 8. That service of any and all legal proceedings, in any suit or proceedings against said corporation, shall be sufficient if made upon the president or secretary of the board of directors.

Sec. 9. That no stockholder shall own more than twenty shares at any one time, and each share shall entitle the owner to one vote.

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Sec. 10. That this charter shall remain in full force and effect for fifty years from and after its passage.

Approved April 28th, 1873.

CHAPTER CV.

An act to incorporate the Falls County Real Estate and Savings Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. W. Lang, H. G. Carter, W. L. Patillo, L. W. Goodrich, J. W. Perkins, B. C. Clark, A. E. Watson, S. S. Ward, J. W. Bringhurst, W. M. Brown, W. A. J. Nicholson, A. M. Attaway, Geo. A. King, Geo. Frank, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of Falls County Real Estate and Savings Association; with capacity, in said corporate name, to make contracts; to hold, buy and sell property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds and mortgages; to have succession and a common seal; to make by-laws for the government and regulation of its affairs; to sue and be sued; to plead and be impleaded; to declare dividends and make divisions of property; to loan its moneys to any person or persons it may deem proper; to receive deposits, buy and sell bills of exchange, notes, bonds, current and uncurrent moneys; and to do and perform such other acts as may be consistent with the laws of this State.

Sec. 2. That the officers and managers of this association shall consist of seven (7) directors, to be elected by the shareholders; one president, one vice president, to be chosen by the board of directors; one secretary, one treasurer, to be selected by the directors from the shareholders; such officers to receive such compensation as the by-laws may provide; and the term of office shall be one year, subject to removal in such manner as the by-laws may prescribe.

Sec. 3. That the capital stock of this association shall be fifty thousand ($50,000) dollars, with privilege of increasing same to one hundred thousand ($100,000) dollars.

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That the capital stock shall be divided into (200) two hundred shares, to be paid in monthly installments of ($5) five dollars each, and no shareholder shall be required to make payments other than as stated in this act.

Sec. 4. That should any shareholder fail, neglect or refuse to pay his or her regular monthly installments, the same shall be forfeited to the association; provided, that by and with the consent of the directors, for good cause shown, the delinquent may be allowed thirty (30) days to redeem such stock thus forfeited.

Sec. 5. That in case such stock shall become forfeited, the board of directors shall dispose of it in such manner as the by-laws may provide. That when two hundred (200) shares shall have been subscribed,, and three months installment paid in, this association will be deemed organized (and proceed to business).

Sec. 6. That service of legal proceedings shall be sufficient when served on the president or secretary of the board of directors.

Sec. 7. That this charter take effect from and after its passage, and remain in force for the space of twenty-five years.

Approved April 28th, 1873.

CHAPTER CVI.

An act to authorize the County Court of Lamar County to contract for the building of a Court House and Jail in said County, and to issue and sell the bonds of the County for that purpose.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Lamar county be and is hereby authorized and empowered, at a regular term thereof, to contract for the building of a court house and jail for said county; provided, that said court house shall not exceed in cost the sum of fifty thousand dollars, and said jail shall not exceed in cost the sum of twenty-five thousand dollars; and each shall be completed within twelve months from the date of the contract for its construction.

Sec. 2. That said court house may be erected upon the public square in the city of Paris, or upon any suita-

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ble lot in said city, within the boundary of the original (50) fifty acres donated to the commissioners of said county for the purpose of a county seat of justice; and said jail shall also be located within the same boundary; and said court shall have power to purchase, or receive by donation, a suitable lot or lots, within said boundary, as a site or sites for the erection of said court house and jail, or either; provided, that the cost of such lot or lots shall be computed as a part of the cost of said buildings.

Sec. 3. That should said county court decide to have such court house and jail, or either, erected, they shall cause to be made a proper draft or drafts, and specifications thereof, which shall be kept in the office of the clerk of the district court, for inspection; and they shall cause publication to be made in all the newspapers published in said county, for thirty days, inviting bids for the building of such court house and jail, or either; and said court shall have power to accept any bid that may be most advantageous to the county, or to reject all bids, and republish in the same manner. And when any bid shall be accepted, a written contract shall be drawn up in accordance with this act, and with a clause containing this act, and the draft and specifications as part thereof; which shall be signed by the contractor or contractors, and all the members of said court, attested by the clerk of the district court, executed in duplicate, one copy to be delivered to the contractor, and the other recorded in the record of deeds, &c., and delivered to the county treasurer for safe keeping.

Sec. 4. Said County Court shall have power to agree for the payment and discharge of said contract, either in money or the bonds hereinafter provided for, or both, and shall express in said contract exactly how and in what manner the same is to be discharged; and if they agree that the same or any part thereof shall be paid in money, then the same shall be paid out of any money belonging to the county arising from the proceeds of the sale of the old court house and jail, and the lots and grounds on which they are situate, if such sale or sales should be made; and secondly, out of the fund procured by the sale of bonds issued under the provisions of this act.

Sec. 5. The County Court shall, upon the closing of such contract or contracts, issue and deliver into the

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hands of the county treasurer of said county, bonds sufficient in aggregate amount to pay the cost or any balance due thereon, on the erection of such courthouse or jail, or both, to be by the treasurer delivered to the contractor or contractors, or sold under the provisions of this act, as may be specified in the contract; provided, that the treasurer shall be required to give bond in a sum equal to the whole amount of bonds deposited with him; and provided further, that said bonds shall not be binding upon the county, until indorsed by the treasurer and delivered to the contractor or purchaser. And in case the county treasurer shall fail to execute the bond, then the County Court shall appoint a special commissioner to take charge of the bonds, and dispose of them as required by this act.

Sec. 6. The bonds provided for in this act shall be printed or engraved; shall be payable twenty years after date, and shall bear eight per cent. interest, per annum, from the date of their negotiation. They may be made payable at a given place, and may be for any sum not less than one hundred nor more than one thousand dollars each. There shall be attached to said bonds, coupons for the interest falling due at different times of payment, so printed as to be capable of being detached. Each coupon shall state the number of the bond to which it is attached, the amount for which it calls, and when it falls due; shall be signed by the presiding justice. The interest on said bonds shall be made payable semi-annually. The bonds shall be signed by the presiding justice, and attested by the clerk of the District Court with the seal of the said court affixed; and before they are delivered to the contractor or purchaser, shall be endorsed by the treasurer or special commissioner, giving the date of the endorsement and delivery.

Sec. 7. Before the bonds hereby authorized shall be issued or negotiated, the County Court shall levy a direct ad valorem tax upon all property subject to taxation, situated in said county, of a per cent. sufficient to produce a revenue equal to the interest upon the whole amount of bonds issued, and two per cent as a sinking fund, to be used in the gradual liquidation of said bonds, which tax, when so levied, shall remain and be the annual tax for that purpose until the whole of said bonds shall have been paid. And there shall be collected annually of each male person residing in said county, over twenty

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one years of age, a poll tax of one dollar each, to constitute a part of this fund. And the said County Court shall levy and collect annually one-fourth part of the State tax assessed upon any and all avocations, callings, trades, pursuits, occupations or professions, pursued, followed or engaged in within the limits of said county, to constitute a part of this fund.

Sec. 8. The coupons upon the bonds due, or falling due, shall be receivable for every class of taxes levied and collected under this act, and it shall be the duty of the county court to cause the interest and two per cent. sinking fund to be tendered at the place or places of payment; provided, that if any holder of said bonds should refuse to receive payments on the principal of said bonds before maturity, and said sinking fund shall accumulate, then the county court shall be authorized to buy up any outstanding bonds with said fund, and have such bond, when so paid off, canceled and destroyed.

Sec. 9. The taxes herein authorized to be levied, shall be collected by the officer authorized by law to collect the State and county tax, for which he shall receive the same compensation allowed by law for collecting other county taxes; and the sheriff or other officer so collecting shall enter into a bond, with two or more good sureties, to the presiding justice, and his successors in office, in double the amount of the levy, conditioned for the faithful performance of this duty. And the ad valorem tax herein authorized shall be levied and collected upon the regular assesments made by the assessing officer of the county for State and county taxes for each year.

Sec. 10. The taxes collected under this act shall be paid over to the county treasurer, to be by him paid out under the orders of the court, and for which he shall receive the same compensation as for similar services; provided, that before receiving any money, said county treasurer shall be required to execute a bond, to the presiding justice, with two or more sufficient sureties, in double the amount of the tax so levied. And if the treasurer fail to execute such bond, the court may appoint a special commissioner, who shall perform said duties upon the same terms and conditions.

Sec. 11. The county treasurer, or special commissioner, shall have power to sell or negotiate the bonds herein provided for, or cause the same to be done, in accordance

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with the provisions of this act, and for the purposes specified in the contract; provided, that said bonds shall not be sold or negotiated for less than eighty cents on the dollar.

Sec. 12. The County Court shall select some competent, discreet and suitable person as inspector, to superintend the work upon said building or buildings, and guard the interests of the county in the manner of doing the work, and the character of the material used, and who shall have power to suspend the work in case the contractor shall have violated the agreement or failed to comply therewith, and refuses, upon demand, to remedy it; and in case the work shall be suspended, then said contractor and inspector shall each select an arbitrator, who shall decide the matter, with power to them, in case of disagreement, to select a third man. The work shall then proceed in accordance with that decision.

Sec. 13. This act shall take effect and be in force from and after its passage.

Passed April 28th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the second day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CVII.

An Act for the Relief of J. Lancaster.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to J. Lancaster two certificates; one for one-third of a league, being headright, and one for six hundred and forty acres, being for bounty; for his services as a soldier in the army of the Republic of Texas during the war which separated Texas from Mexico.

Sec. 2. That the said certificates when issued may be

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located and patented as other certificates; and that this act take effect and be in force from and after its passage.

Passed April 30th, 1873 .

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the seventh day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CVIII.

An Act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean.

Whereas, By the terms and conditions of an act entitled "An act to encourage the speedy construction of a railway through Texas to the Pacific Ocean," passed May 24th, 1871, and an act supplementary and amendatory thereto, passed November 25th, 1871, authority was given to the Southern Trans-Continental Railway Company, and to the Southern Pacific Railroad Company, incorporations created by acts of the Legislature of the State of Texas, to become consolidated with the "Texas Pacific Railroad Company," an incorporation created by an act of the Congress of the United States; and

Whereas, It appears from documentary evidence on file in the office of the Secretary of State of the State of Texas, that such consolidation has been effected; and as a difference of opinion may arise as to the construction of the acts of the Legislature hereinbefore referred to, in regard to the amount of lands to which said Texas and Pacific Railway Company may be entitled under the said acts of incorporation, and other laws of this State; and

Whereas, It is desirable that there should be a complete and final adjustment of the rights of said Texas and Pacific Railway Company, as the assignee and successor of the said Southern Pacific Railroad Company, and the

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said Southern Trans-Continental Railway Company, under the laws of this State, and a definitive understanding as to the obligations of the State, and to the further end that said company be encouraged to the speedy construction of said railway; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the "Texas and Pacific Railway Company," a corporation created by an act of the Congress of the United States as the successor of the "Southern Trans-Continental Railway Company," a corporation created by an act of the Legislature of the State of Texas, approved July 27th, 1870, shall construct its road from the town of Marshall, in Harrison county, to the city of Jefferson; thence in a northerly direction to a point in Bowie county, not exceeding six miles west from Texarkana, at which point to intersect with its main line, which shall be constructed from or near Texarkana, on the Arkansas line, through the towns of Clarksville, Paris, Honey Grove, Bonham, and to Sherman, by the first day of July, 1874; thence through the towns of Pilot Point and Denton to the point of junction with the Southern Pacific Railroad line at Fort Worth, by the first day of January, A.D. 1875, and shall erect passenger and freight depots within one-half mile of the business portions of said towns; provided, said towns respectively shall donate to said company the necessary lands for right of way, side tracks, switches and depot buildings, not to exceed, in each case, twenty acres; provided, that said depots shall be erected in the towns of Bonham, Sherman, Pilot Point and Denton, upon the grounds now agreed upon and donated to said railroad company by said towns; and provided further, that said railway company shall commence the grading of their railroad in the county of Denton within ninety-five days from the passage of this act, and shall continuously prosecute the same until the said road shall be graded between the towns of Sherman and Fort Worth. And the said Texas and Pacific Railway Company, as the successor of the "Southern Pacific Railroad Company," a corporation created by the laws of the State of Texas, shall construct its road from its present western terminus at Longview, in Upshur county, as now located through the town of Dallas, to the point of junction at Fort Worth by the first day of July, 1874; and said Texas and Pacific Railway

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Company shall construct a single track railroad from the said point of junction at Fort Worth westwardly, on the most practicable route, to a point not less than one-fourth nor more than one-half mile from the court house in the town of Weatherford, in Parker county, at which point said company shall establish and maintain a freight and pasesnger depot; provided, it shall not be obligatory upon said company to go by said town and establish said depot in the event the said town of Weatherford fails to give said company, free of charge, twenty-five acres of land, the same to be designated by the said company, for the purpose of depot buildings, track, sidings, switches and turnouts; and also give, free of charge, the right of way through the said town, and a tract of twenty-five acres of land situated on the line of said railroad and within one and a half miles of the court house in said town; and thence westwardly on the most practicable route to the Rio Grande river at a point in the county of El Paso, opposite the town of El Paso, in Mexico; and said single track railroad shall be constructed from the said point of junction, at Fort Worth, at the rate of one hundred miles per annum, until it reaches the Rio Grande river; provided, said road shall be completed and put in running order to the main line of the Trans-Continental road near Texarkana, or from such point on said line as the railroad now being constructed from Little Rock to a junction with said Trans-Continental road, may cross the Arkansas State line, the same not being more than seven (7) miles north of Texarkana, by January, 1874, and shall build and maintain a depot within one-half mile of the town of Clarksville, in Red River county.

Sec. 2. That the State of Texas hereby grants and donates to the said Texas and Pacific Railway Company twenty sections of land, of six hundred and forty acres each, for every mile of its road completed in good substantial running order in the State of Texas; that is to say, on the branch road from Marshall to Jefferson, by August 1873, and from Jefferson to the main line of the Southern Trans-Continental road, in Bowie county, and from or near Texarkana, or to the point of junction of the Trans-Continental road on the Arkansas State line with the railroad now being constructed from Little Rock, thence to Fort Worth, and from Longview to Fort Worth, and from Fort Worth to the Rio Grande river, op-

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posite El Paso, in Mexico; provided, the said road shall be constructed from Marshall by Jefferson, on the line hereinbefore designated, to Sherman, by the first day of July, 1874, and the grading be commenced in the county of Denton, within ninety days from the passage of this act, and be continuously prosecuted until the said grade is finished between Sherman and Fort Worth, and the road completed and put in running order to Fort Worth by the first day of January, 1875; and the road from Longview to Fort Worth shall be completed and put in running order by the first day of July, 1874; and the single track road westward from Fort Worth to the Rio Grande, after the first day of January, 1875, shall be constructed and put in running order at the rate of one hundred miles annually; and further provided, that should said company fail to complete either of its said lines within the manner and time hereinbefore prescribed, to the point of junction, it shall thereafter forfeit all right to any donations of land or reservation of lands, except upon its completed road; and should said company fail to construct its single track westward from the point of junction at Fort Worth, in the time required, it shall forfeit all its rights to donations or reservations of land, except upon the portion thereof completed; provided, that in no case shall the State be in any way liable for deficiency of vacant domain.

Sec. 3. That whenever and as often as said Texas and Pacific Railway Company shall complete and put in running order a section of ten miles or more of either line of its road, or of its single track road, as hereinbefore designated, said company shall give notice thereof to the Governor of the State, and it shall be his duty to appoint some skillful engineer, if there be no State engineer, to examine said completed road, and make report thereon, under oath, to him; it shall then be his duty, if the same is shown to have been constructed in accordance with its charter, and as required by law, to report the fact to the Commissioner of the General Land Office; thereupon, it shall be the duty of the Commissioner of the General Land Office to issue to said company twenty certificates for six hundred and forty (640) acres of land for each and every mile of road so completed. That all land certificates that shall issue to said company under the provisions of this act, shall be located and surveyed, in

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alternate sections; that is to say, said company shall cause to be surveyed two sections of six hundred and forty (640) acres each, for each certificate adjoining, and shall return to the General Land Office the field notes and maps of the same; and the Commissioner of the General Land Office shall thereupon number said sections so surveyed, and shall cause to be issued to said company, or its assignees, patents to the odd sections, the even sections being reserved to the State for the school fund; provided, that when fractions of land of a less size than twelve hundred and eighty (1280) acres, by reason of previous surveys are found, the same may be located by virtue of said railroad certificates, in equal quantities; and it shall be the duty of the Commissioner of the General Land Office to designate the same, as other railroad certificates, and to patent one-half thereof to the company, or its assignees, and one-half to the State; and the residue of said certificates may be in like manner located elsewhere, until the same is exhausted, the State being entitled to one-half of each survey, and the company to the other half; provided, that the grant of land herein made shall not be construed to give to said company a greater number of acres of land than the amount or number of acres computed, as herein provided, for the number of miles of road within the State of Texas.

Sec. 4. That said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operating said road, as follows, viz: One-fourth thereof in eight years; one-fourth in twelve years; one-fourth in sixteen years, and the remaining fourth in twenty years, from the date of the issuance of the certificates, in such manner that the whole of such lands shall pass out of the hands of said company within twenty years after the date of the certificates; provided, that said lands shall not be alienated to any other railroad corporation, except so far as may be necessary for the proper use and the conducting of the business of such corporation, nor to any person, firm or company, in trust for said railroad company, or to any company or firm of which any officer or stockholder of said railroad company is a member; and the violation of this provision shall work a forfeiture of the rights conferred by this act; and on failure to comply with the provisions of this section, and the general laws of the

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State on this subject, or a violation of the provisions of this section or said general laws, the said company shall forfeit all right to lands secured by this act, not alienated as required by law.

Sec. 5. That the public lands heretofore reserved from pre-emption, location and survey for the benefit of the Memphis, El Paso and Pacific Railroad Company, in what is known as the Memphis, El Paso and Pacific Railroad reservation, and as designated by the maps, plats and field notes now on file in the General Land Office, commencing on the eastern boundary line of the State, in Bowie county, and thence westwardly to the 23rd meridian of longitude west from Washington, are hereby continued to be reserved from pre-emption, location or survey, by the holder of any land certificate or other land claim, for the benefit of the said Texas and Pacific Railway Company, and for the benefit of the school fund; and where the public lands therein have not already been sectionized, said company shall sectionize the same, and return the field notes and maps to the General Land Office, as heretofore required, giving to the company the odd section, and to the school fund the even section; and said company is hereby authorized to apply any of the certificates to which it may be entitled under the provisions of this act, to the odd sections within said reservation; provided, that nothing herein contained shall be so construed as to affect or impair the legal rights of third persons; and further provided, that this reservation shall continue in force until the first day of January, 1876, and no longer.

Sec. 6. That the said Memphis and El Paso reservation, from the twenty-third meridian of longitude west from Washington to the Rio Grande river, as designated by the field notes, maps and reports from the different surveyors of the several land districts of the State, on file in the General Land Office, is hereby continued to be set aside and reserved from pre-emption, location and survey for the benefit of said Texas and Pacific Railway Company and the school fund; and there is also hereby set aside for the same purpose, out of the public lands, such additional width of territory on each side of the said sixteen miles of reservation as will make eighty miles in width from the twenty-third meridian of longitude west to the east boundary line of New Mexico, and to a point south of the south-east corner of said territory of New

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Mexico; that is to say, taking the centre line of said Memphis and El Paso reservation, and extending forty miles on either side thereof, and after reaching the said point south of, and opposite to the southeast corner of New Mexico, the said reservation of the unappropriated public domain is hereby continued eighty miles in width, extending westward to the Rio Grande, and bounded on the North by New Mexico, the same to include the Memphis and El Paso reservation hereinbefore mentioned, which said reservations, as herein continued and set apart, shall continue to be so reserved and set apart for the purposes herein mentioned until the year 1880, and no longer; provided, that nothing in this section contained shall impair or affect the rights of any person or persons heretofore legally acquired within said reservations; and provided, that the State of Texas shall have the right to grant the right of way, not to exceed two hundred feet in width, to any railroad company through or across said reservation, so long as the fee remains in the State, and to cross and connect with the road herein to be constructed.

Sec. 7. That the Commissioner of the General Land Office shall designate, upon the maps of his office, the reservations herein continued and created from the twenty-third meridian of longitude west from Washington to the Rio Grande river.

Sec. 8. That the certificates of land to which said Texas and Pacific Railway Company may be entitled under the provisions of this act, shall be located within the reservations hereinbefore continued and located, except one thousand certificates of six hundred and forty (640) acres each, to be issued to said company by the Commissioner of the General Land Office upon such portion of completed road as it may designate, and which certificates may be located upon any of the public domain of this State subject to location not included within said reservations. And provided further, that in case there is not a sufficient quantity of unappropriated public lands within said reservations to satisfy the remainder of the certificates to which said company may be entitled with the corresponding sections belonging to the school fund, then, and in that event, said company shall have the right to locate the balance of said certificates, with the corresponding sections for the common school fund, upon any of the unappropriated

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public domain of the State subject to location; provided, that the State of Texas shall not be held responsible for any deficit of public lands upon which to locate said certificates. And no land certificates issued under the provisions of this act, which may not be located by reason of the exhaustion of the public domain, shall ever constitute any claim against the State.

Sec. 9. That the above grants, donations, and reservations are made to the said Texas and Pacific Railway Company, a corporation created by an act of the Congress of the United States, approved March 3rd, 1871, as the assignee of and successor to the rights, privileges and franchises of the Southern Trans-Continental and Southern Pacific Railroad companies, corporations created by the laws of Texas, with the intent and distinct understanding that the same shall be accepted by said Texas and Pacific Railway Company, in full satisfaction of any claims for money, bonds, or lands, to which said company might be entitled under the act entitled "An Act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean," passed May 24th, 1871, and "An Act amendatory of and supplementary thereto," passed November 25th, 1871, or by virtue of the consolidation of said Texas and Pacific Railway Company with the Southern Trans-Continental Railway Company and the Southern Pacific Railroad Company, or by virtue of the charters of either of said railroad companies, or by virtue of any railroad franchise granted by the State of Texas, purchased or acquired by either of said companies or by the Texas and Pacific Railway company, or by virtue of any general or special law of this State, and in full satisfaction of all claims or demands for bonds, lands or money of the said Southern Pacific and Southern Trans-Continental Railroad Companies against the State of Texas; and said Texas and Pacific Railway Company shall be subject to such general laws as may be enacted by the Legislature, applicable to other railroads constructed within this State. And that all the property of the said corporations, or either of them, now or hereafter situated in this State, shall be hereafter subject to taxation by the laws of this State.

Sec. 10. That all railroads in this State, constructed, or that may be hereafter constructed, to intersect said Texas Pacific Railroad, shall have a right to connect with

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that line; that no discrimination in regard to charges for freight or passengers, or in any other matter, shall be made by said Texas Pacific Railroad Company against any of the said connecting roads, but that the charges per mile as to passengers and freight, passing from the said Texas Pacific Railroad over any of said connecting roads, or passing from any of said connecting roads over any part of said Texas Pacific Railroad, shall be governed and controlled by the laws of this State, now or hereafter to be enacted; provided, that said connecting road, or roads, shall not discriminate in their charges for freight and passengers against said Texas and Pacific Railway Company, but shall carry the same at the same rates and charges as said railroad company or companies carry their own freight and passengers; and said railroad company shall not have the right or power to consolidate with, or sell, rent or lease the same to any other railroad in this State, or to purchase, or lease, nor enter into any combination, in the nature of a partnership, with any railroad in this State running parallel with the said Texas and Pacific Railroad, or in the same general direction, that would in any way or manner give said company the power or right to control the rates of freight and passage on said road so purchased or leased; and should the provisions of this section be violated by said company, it shall work a forfeiture of the rights and privileges herein granted.

Sec. 11. That said Texas and Pacific Railway Company, by their board of directors, shall, within fifteen days from the date of approval of this act, signify to the Governor, by telegraph or otherwise, the acceptance or rejection of the terms and conditions of this act, and within thirty days from the date of approval of this act, shall file a formal acceptance or rejection of the same with the Secretary of State of the State of Texas.

Sec. 12. That all laws and parts of laws, in conflict or inconsistent with the terms and provisions of this act, be and the same are hereby repealed.

Sec. 13. That this act take effect and be in force from and after its passage.

Passed May 2nd, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the sixteenth day of

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May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CIX.

An Act supplemental to "An Act to Incorporate the Western Narrow Gauge Railway Company," approved August 4, 1870, and an Act supplemental thereto, approved October 13, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Western Narrow Gauge Railway Company are hereby authorized to cross the Brazos river by their railway at such point in Fort Bend or Austin counties, not more than three miles below San Felipe, nor eight miles above, as they may deem expedient, passing thence to the towns of La Grange, Lockhart, San Marcos, New Braunfels and San Antonio; and if a branch is built to the town of Bastrop, the depot building shall be located within one-half mile of the court house in said town.

Sec. 2. That said company shall be entitled to receive from the State of Texas a grant of sixteen sections of land for every mile of its road hereafter constructed and put in good running order in this State; and said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operating said road, as follows, viz., one-fourth in eight years, one-fourth in twelve years, and one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the location of the certificates, in such manner that the whole of such lands shall pass out of the hands of said company within twenty years after the date of their location; provided, that said lands shall not be alienated to any other railroad company or corporation, except so far as may be necessary for the proper use and conducting of the business of such company or corporation; nor shall said lands be alienated to any individual, firm or company in trust for said railroad company, or to any firm or company of which any officer or

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dollars, the same being due said Wallace as compensation for his services as special judge, appointed by the Governor to hold special terms of the District Court in Shelby county, and in which service he was engaged for a term of sixty days; and that the Treasurer of the State is hereby required to pay said sum out of any moneys in the treasury not otherwise appropriated.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved April 28th, 873.

CHAPTER CIV.

An Act to Incorporate the "Real Estate, Building and Savings Association" of Dallas.

Section 1. Be it enacted by the Legislature of the State of Texas, That G. M. Swink, A. C. Ardrey, J. C. Woodside, D. McCaleb, W. H. Thomas, Thomas Field, P M. Brown, J. W. Lane, J. W. Swindells, John H. Brown, John J. Eakins, Charles H. Jenkins, F. E. Hughes, A. A. Johnson, S. W. S. Duncan, Thos. Walker, W. R Ault, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the "Real Estate, Building and Savings Association," of Dallas, Texas, with capacity in said corporate name to make contracts; to hold, buy and sell property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds and mortgages and deeds of trust; to have succession and a common seal; to make by-laws for the government and regulation of its affairs; to sue and be sued, to implead and be impleaded; to declare dividends and to make division of property; to loan its moneys to any person or persons, on any security it may think proper; to receive deposits, buy and sell bills of exchange, drafts or other obligations, bonds and other securities, and do and perform all such things, consistent with the laws of this State, as may be necessary and proper for, and incident to the fulfiillment of its obligations and the maintenance of its rights under this act; provided, that nothing in this act shall be so construed as to authorize this cor-

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poration to use its moneys in any manner which it may not be lawful for any citizen of the State to do.

Sec. 2. That the officers and managers of the association shall consist of seven (7) directors, to be elected by the shareholders; one president and one vice president, to be chosen by the board of directors; also, a secretary and a treasurer, to be selected by the directors from the stockholders; such officers shall receive such compensa as the by-laws may provide, and their term of office shall be for one year, subject to removal in such manner as the by-laws may prescribe.

Sec. 3. That the capital stock of said company shall be fifty thousand dollars ($50,000), with the power and privilege of increasing the same to three hundred thousand dollars ($300,000).

Sec. 4. That the capital stock of fifty thousand dollars ($50,000) shall be divided into shares of fifty dollars ($50) each, payable in monthly installments of five dollars ($5) per month, and no shareholder shall be required to make payment of installments of his stock other than as herein required.

Sec. 5. That should any shareholder of this corporation fail or neglect, or refuse to pay or cause to be paid, in regular monthly installments, his stock shall be forfeited to the association; provided, that by and with the consent of the directors, for good cause shown, such delinquent may be allowed thirty days to redeem such stock thus forfeited.

Sec. 6. That in case any share of stock should become forfeited in accordance with the foregoing provisions, the board of directors shall dispose of the same as the by-laws may direct.

Sec. 7. That whenever fifty (50) shares shall have been subscribed, and one month installment paid in, this association shall be deemed organized, and competent to transact business under this charter, and be entitled to all the grants and privileges hereunder.

Sec. 8. That service of any and all legal proceedings, in any suit or proceedings against said corporation, shall be sufficient if made upon the president or secretary of the board of directors.

Sec. 9. That no stockholder shall own more than twenty shares at any one time, and each share shall entitle the owner to one vote.

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Sec. 10. That this charter shall remain in full force and effect for fifty years from and after its passage.

Approved April 28th, 1873.

CHAPTER CV.

An act to incorporate the Falls County Real Estate and Savings Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. W. Lang, H. G. Carter, W. L. Patillo, L. W. Goodrich, J. W. Perkins, B. C. Clark, A. E. Watson, S. S. Ward, J. W. Bringhurst, W. M. Brown, W. A. J. Nicholson, A. M. Attaway, Geo. A. King, Geo. Frank, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of Falls County Real Estate and Savings Association; with capacity, in said corporate name, to make contracts; to hold, buy and sell property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds and mortgages; to have succession and a common seal; to make by-laws for the government and regulation of its affairs; to sue and be sued; to plead and be impleaded; to declare dividends and make divisions of property; to loan its moneys to any person or persons it may deem proper; to receive deposits, buy and sell bills of exchange, notes, bonds, current and uncurrent moneys; and to do and perform such other acts as may be consistent with the laws of this State.

Sec. 2. That the officers and managers of this association shall consist of seven (7) directors, to be elected by the shareholders; one president, one vice president, to be chosen by the board of directors; one secretary, one treasurer, to be selected by the directors from the shareholders; such officers to receive such compensation as the by-laws may provide; and the term of office shall be one year, subject to removal in such manner as the by-laws may prescribe.

Sec. 3. That the capital stock of this association shall be fifty thousand ($50,000) dollars, with privilege of increasing same to one hundred thousand ($100,000) dollars.

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That the capital stock shall be divided into (200) two hundred shares, to be paid in monthly installments of ($5) five dollars each, and no shareholder shall be required to make payments other than as stated in this act.

Sec. 4. That should any shareholder fail, neglect or refuse to pay his or her regular monthly installments, the same shall be forfeited to the association; provided, that by and with the consent of the directors, for good cause shown, the delinquent may be allowed thirty (30) days to redeem such stock thus forfeited.

Sec. 5. That in case such stock shall become forfeited, the board of directors shall dispose of it in such manner as the by-laws may provide. That when two hundred (200) shares shall have been subscribed,, and three months installment paid in, this association will be deemed organized (and proceed to business).

Sec. 6. That service of legal proceedings shall be sufficient when served on the president or secretary of the board of directors.

Sec. 7. That this charter take effect from and after its passage, and remain in force for the space of twenty-five years.

Approved April 28th, 1873.

CHAPTER CVI.

An act to authorize the County Court of Lamar County to contract for the building of a Court House and Jail in said County, and to issue and sell the bonds of the County for that purpose.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Lamar county be and is hereby authorized and empowered, at a regular term thereof, to contract for the building of a court house and jail for said county; provided, that said court house shall not exceed in cost the sum of fifty thousand dollars, and said jail shall not exceed in cost the sum of twenty-five thousand dollars; and each shall be completed within twelve months from the date of the contract for its construction.

Sec. 2. That said court house may be erected upon the public square in the city of Paris, or upon any suita-

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ble lot in said city, within the boundary of the original (50) fifty acres donated to the commissioners of said county for the purpose of a county seat of justice; and said jail shall also be located within the same boundary; and said court shall have power to purchase, or receive by donation, a suitable lot or lots, within said boundary, as a site or sites for the erection of said court house and jail, or either; provided, that the cost of such lot or lots shall be computed as a part of the cost of said buildings.

Sec. 3. That should said county court decide to have such court house and jail, or either, erected, they shall cause to be made a proper draft or drafts, and specifications thereof, which shall be kept in the office of the clerk of the district court, for inspection; and they shall cause publication to be made in all the newspapers published in said county, for thirty days, inviting bids for the building of such court house and jail, or either; and said court shall have power to accept any bid that may be most advantageous to the county, or to reject all bids, and republish in the same manner. And when any bid shall be accepted, a written contract shall be drawn up in accordance with this act, and with a clause containing this act, and the draft and specifications as part thereof; which shall be signed by the contractor or contractors, and all the members of said court, attested by the clerk of the district court, executed in duplicate, one copy to be delivered to the contractor, and the other recorded in the record of deeds, &c., and delivered to the county treasurer for safe keeping.

Sec. 4. Said County Court shall have power to agree for the payment and discharge of said contract, either in money or the bonds hereinafter provided for, or both, and shall express in said contract exactly how and in what manner the same is to be discharged; and if they agree that the same or any part thereof shall be paid in money, then the same shall be paid out of any money belonging to the county arising from the proceeds of the sale of the old court house and jail, and the lots and grounds on which they are situate, if such sale or sales should be made; and secondly, out of the fund procured by the sale of bonds issued under the provisions of this act.

Sec. 5. The County Court shall, upon the closing of such contract or contracts, issue and deliver into the

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hands of the county treasurer of said county, bonds sufficient in aggregate amount to pay the cost or any balance due thereon, on the erection of such courthouse or jail, or both, to be by the treasurer delivered to the contractor or contractors, or sold under the provisions of this act, as may be specified in the contract; provided, that the treasurer shall be required to give bond in a sum equal to the whole amount of bonds deposited with him; and provided further, that said bonds shall not be binding upon the county, until indorsed by the treasurer and delivered to the contractor or purchaser. And in case the county treasurer shall fail to execute the bond, then the County Court shall appoint a special commissioner to take charge of the bonds, and dispose of them as required by this act.

Sec. 6. The bonds provided for in this act shall be printed or engraved; shall be payable twenty years after date, and shall bear eight per cent. interest, per annum, from the date of their negotiation. They may be made payable at a given place, and may be for any sum not less than one hundred nor more than one thousand dollars each. There shall be attached to said bonds, coupons for the interest falling due at different times of payment, so printed as to be capable of being detached. Each coupon shall state the number of the bond to which it is attached, the amount for which it calls, and when it falls due; shall be signed by the presiding justice. The interest on said bonds shall be made payable semi-annually. The bonds shall be signed by the presiding justice, and attested by the clerk of the District Court with the seal of the said court affixed; and before they are delivered to the contractor or purchaser, shall be endorsed by the treasurer or special commissioner, giving the date of the endorsement and delivery.

Sec. 7. Before the bonds hereby authorized shall be issued or negotiated, the County Court shall levy a direct ad valorem tax upon all property subject to taxation, situated in said county, of a per cent. sufficient to produce a revenue equal to the interest upon the whole amount of bonds issued, and two per cent as a sinking fund, to be used in the gradual liquidation of said bonds, which tax, when so levied, shall remain and be the annual tax for that purpose until the whole of said bonds shall have been paid. And there shall be collected annually of each male person residing in said county,over twenty

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one years of age, a poll tax of one dollar each, to constitute a part of this fund. And the said County Court shall levy and collect annually one-fourth part of the State tax assessed upon any and all avocations, callings, trades, pursuits, occupations or professions, pursued, followed or engaged in within the limits of said county, to constitute a part of this fund.

Sec. 8. The coupons upon the bonds due, or falling due, shall be receivable for every class of taxes levied and collected under this act, and it shall be the duty of the county court to cause the interest and two per cent. sinking fund to be tendered at the place or places of payment; provided, that if any holder of said bonds should refuse to receive payments on the principal of said bonds before maturity, and said sinking fund shall accumulate, then the county court shall be authorized to buy up any outstanding bonds with said fund, and have such bond, when so paid off, canceled and destroyed.

Sec. 9. The taxes herein authorized to be levied, shall be collected by the officer authorized by law to collect the State and county tax, for which he shall receive the same compensation allowed by law for collecting other county taxes; and the sheriff or other officer so collecting shall enter into a bond, with two or more good sureties, to the presiding justice, and his successors in office, in double the amount of the levy, conditioned for the faithful performance of this duty. And the ad valorem tax herein authorized shall be levied and collected upon the regular assesments made by the assessing officer of the county for State and county taxes for each year.

Sec. 10. The taxes collected under this act shall be paid over to the county treasurer, to be by him paid out under the orders of the court, and for which he shall receive the same compensation as for similar services; provided, that before receiving any money, said county treasurer shall be required to execute a bond, to the presiding justice, with two or more sufficient sureties, in double the amount of the tax so levied. And if the treasurer fail to execute such bond, the court may appoint a special commissioner, who shall perform said duties upon the same terms and conditions.

Sec. 11. The county treasurer, or special commissioner, shall have power to sell or negotiate the bonds herein provided for, or cause the same to be done, in accordance

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with the provisions of this act, and for the purposes specified in the contract; provided, that said bonds shall not be sold or negotiated for less than eighty cents on the dollar.

Sec. 12. The County Court shall select some competent, discreet and suitable person as inspector, to superintend the work upon said building or buildings, and guard the interests of the county in the manner of doing the work, and the character of the material used, and who shall have power to suspend the work in case the contractor shall have violated the agreement or failed to comply therewith, and refuses, upon demand, to remedy it; and in case the work shall be suspended, then said contractor and inspector shall each select an arbitrator, who shall decide the matter, with power to them, in case of disagreement, to select a third man. The work shall then proceed in accordance with that decision.

Sec. 13. This act shall take effect and be in force from and after its passage.

Passed April 28th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the second day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CVII.

An Act for the Relief of J. Lancaster.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to J. Lancaster two certificates; one for one-third of a league, being headright, and one for six hundred and forty acres, being for bounty; for his services as a soldier in the army of the Republic of Texas during the war which separated Texas from Mexico.

Sec. 2. That the said certificates when issued may be

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located and patented as other certificates; and that this act take effect and be in force from and after its passage.

Passed April 30th, 1873 .

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the seventh day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CVIII.

An Act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean.

Whereas, By the terms and conditions of an act entitled "An act to encourage the speedy construction of a railway through Texas to the Pacific Ocean," passed May 24th, 1871, and an act supplementary and amendatory thereto, passed November 25th, 1871, authority was given to the Southern Trans-Continental Railway Company, and to the Southern Pacific Railroad Company, incorporations created by acts of the Legislature of the State of Texas, to become consolidated with the "Texas Pacific Railroad Company," an incorporation created by an act of the Congress of the United States; and

Whereas, It appears from documentary evidence on file in the office of the Secretary of State of the State of Texas, that such consolidation has been effected; and as a difference of opinion may arise as to the construction of the acts of the Legislature hereinbefore referred to, in regard to the amount of lands to which said Texas and Pacific Railway Company may be entitled under the said acts of incorporation, and other laws of this State; and

Whereas, It is desirable that there should be a complete and final adjustment of the rights of said Texas and Pacific Railway Company, as the assignee and successor of the said Southern Pacific Railroad Company, and the

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said Southern Trans-Continental Railway Company, under the laws of this State, and a definitive understanding as to the obligations of the State, and to the further end that said company be encouraged to the speedy construction of said railway; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the "Texas and Pacific Railway Company," a corporation created by an act of the Congress of the United States as the successor of the "Southern Trans-Continental Railway Company," a corporation created by an act of the Legislature of the State of Texas, approved July 27th, 1870, shall construct its road from the town of Marshall, in Harrison county, to the city of Jefferson; thence in a northerly direction to a point in Bowie county, not exceeding six miles west from Texarkana, at which point to intersect with its main line, which shall be constructed from or near Texarkana, on the Arkansas line, through the towns of Clarksville, Paris, Honey Grove, Bonham, and to Sherman, by the first day of July, 1874; thence through the towns of Pilot Point and Denton to the point of junction with the Southern Pacific Railroad line at Fort Worth, by the first day of January, A.D. 1875, and shall erect passenger and freight depots within one-half mile of the business portions of said towns; provided, said towns respectively shall donate to said company the necessary lands for right of way, side tracks, switches and depot buildings, not to exceed, in each case, twenty acres; provided, that said depots shall be erected in the towns of Bonham, Sherman, Pilot Point and Denton, upon the grounds now agreed upon and donated to said railroad company by said towns; and provided further, that said railway company shall commence the grading of their railroad in the county of Denton within ninety-five days from the passage of this act, and shall continuously prosecute the same until the said road shall be graded between the towns of Sherman and Fort Worth. And the said Texas and Pacific Railway Company, as the successor of the "Southern Pacific Railroad Company," a corporation created by the laws of the State of Texas, shall construct its road from its present western terminus at Longview, in Upshur county, as now located through the town of Dallas, to the point of junction at Fort Worth by the first day of July, 1874; and said Texas and Pacific Railway

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Company shall construct a single track railroad from the said point of junction at Fort Worth westwardly, on the most practicable route, to a point not less than one-fourth nor more than one-half mile from the court house in the town of Weatherford, in Parker county, at which point said company shall establish and maintain a freight and pasesnger depot; provided, it shall not be obligatory upon said company to go by said town and establish said depot in the event the said town of Weatherford fails to give said company, free of charge, twenty-five acres of land, the same to be designated by the said company, for the purpose of depot buildings, track, sidings, switches and turnouts; and also give, free of charge, the right of way through the said town, and a tract of twenty-five acres of land situated on the line of said railroad and within one and a half miles of the court house in said town; and thence westwardly on the most practicable route to the Rio Grande river at a point in the county of El Paso, opposite the town of El Paso, in Mexico; and said single track railroad shall be constructed from the said point of junction, at Fort Worth, at the rate of one hundred miles per annum, until it reaches the Rio Grande river; provided, said road shall be completed and put in running order to the main line of the Trans-Continental road near Texarkana, or from such point on said line as the railroad now being constructed from Little Rock to a junction with said Trans-Continental road, may cross the Arkansas State line, the same not being more than seven (7) miles north of Texarkana, by January, 1874, and shall build and maintain a depot within one-half mile of the town of Clarksville, in Red River county.

Sec. 2. That the State of Texas hereby grants and donates to the said Texas and Pacific Railway Company twenty sections of land, of six hundred and forty acres each, for every mile of its road completed in good substantial running order in the State of Texas; that is to say, on the branch road from Marshall to Jefferson, by August 1873, and from Jefferson to the main line of the Southern Trans-Continental road, in Bowie county, and from or near Texarkana, or to the point of junction of the Trans-Continental road on the Arkansas State line with the railroad now being constructed from Little Rock, thence to Fort Worth, and from Longview to Fort Worth, and from Fort Worth to the Rio Grande river, op-

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posite El Paso, in Mexico; provided, the said road shall be constructed from Marshall by Jefferson, on the line hereinbefore designated, to Sherman, by the first day of July, 1874, and the grading be commenced in the county of Denton, within ninety days from the passage of this act, and be continuously prosecuted until the said grade is finished between Sherman and Fort Worth, and the road completed and put in running order to Fort Worth by the first day of January, 1875; and the road from Longview to Fort Worth shall be completed and put in running order by the first day of July, 1874; and the single track road westward from Fort Worth to the Rio Grande, after the first day of January, 1875, shall be constructed and put in running order at the rate of one hundred miles annually; and further provided, that should said company fail to complete either of its said lines within the manner and time hereinbefore prescribed, to the point of junction, it shall thereafter forfeit all right to any donations of land or reservation of lands, except upon its completed road; and should said company fail to construct its single track westward from the point of junction at Fort Worth, in the time required, it shall forfeit all its rights to donations or reservations of land, except upon the portion thereof completed; provided, that in no case shall the State be in any way liable for deficiency of vacant domain.

Sec. 3. That whenever and as often as said Texas and Pacific Railway Company shall complete and put in running order a section of ten miles or more of either line of its road, or of its single track road, as hereinbefore designated, said company shall give notice thereof to the Governor of the State, and it shall be his duty to appoint some skillful engineer, if there be no State engineer, to examine said completed road, and make report thereon, under oath, to him; it shall then be his duty, if the same is shown to have been constructed in accordance with its charter, and as required by law, to report the fact to the Commissioner of the General Land Office; thereupon, it shall be the duty of the Commissioner of the General Land Office to issue to said company twenty certificates for six hundred and forty (640) acres of land for each and every mile of road so completed. That all land certificates that shall issue to said company under the provisions of this act, shall be located and surveyed, in

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alternate sections; that is to say, said company shall cause to be surveyed two sections of six hundred and forty (640) acres each, for each certificate adjoining, and shall return to the General Land Office the field notes and maps of the same; and the Commissioner of the General Land Office shall thereupon number said sections so surveyed, and shall cause to be issued to said company, or its assignees, patents to the odd sections, the even sections being reserved to the State for the school fund; provided, that when fractions of land of a less size than twelve hundred and eighty (1280) acres, by reason of previous surveys are found, the same may be located by virtue of said railroad certificates, in equal quantities; and it shall be the duty of the Commissioner of the General Land Office to designate the same, as other railroad certificates, and to patent one-half thereof to the company, or its assignees, and one-half to the State; and the residue of said certificates may be in like manner located elsewhere, until the same is exhausted, the State being entitled to one-half of each survey, and the company to the other half; provided, that the grant of land herein made shall not be construed to give to said company a greater number of acres of land than the amount or number of acres computed, as herein provided, for the number of miles of road within the State of Texas.

Sec. 4. That said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operating said road, as follows, viz: One-fourth thereof in eight years; one-fourth in twelve years; one-fourth in sixteen years, and the remaining fourth in twenty years, from the date of the issuance of the certificates, in such manner that the whole of such lands shall pass out of the hands of said company within twenty years after the date of the certificates; provided, that said lands shall not be alienated to any other railroad corporation, except so far as may be necessary for the proper use and the conducting of the business of such corporation, nor to any person, firm or company, in trust for said railroad company, or to any company or firm of which any officer or stockholder of said railroad company is a member; and the violation of this provision shall work a forfeiture of the rights conferred by this act; and on failure to comply with the provisions of this section, and the general laws of the

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State on this subject, or a violation of the provisions of this section or said general laws, the said company shall forfeit all right to lands secured by this act, not alienated as required by law.

Sec. 5. That the public lands heretofore reserved from pre-emption, location and survey for the benefit of the Memphis, El Paso and Pacific Railroad Company, in what is known as the Memphis, El Paso and Pacific Railroad reservation, and as designated by the maps, plats and field notes now on file in the General Land Office, commencing on the eastern boundary line of the State, in Bowie county, and thence westwardly to the 23rd meridian of longitude west from Washington, are hereby continued to be reserved from pre-emption, location or survey, by the holder of any land certificate or other land claim, for the benefit of the said Texas and Pacific Railway Company, and for the benefit of the school fund; and where the public lands therein have not already been sectionized, said company shall sectionize the same, and return the field notes and maps to the General Land Office, as heretofore required, giving to the company the odd section, and to the school fund the even section; and said company is hereby authorized to apply any of the certificates to which it may be entitled under the provisions of this act, to the odd sections within said reservation; provided, that nothing herein contained shall be so construed as to affect or impair the legal rights of third persons; and further provided, that this reservation shall continue in force until the first day of January, 1876, and no longer.

Sec. 6. That the said Memphis and El Paso reservation, from the twenty-third meridian of longitude west from Washington to the Rio Grande river, as designated by the field notes, maps and reports from the different surveyors of the several land districts of the State, on file in the General Land Office, is hereby continued to be set aside and reserved from pre-emption, location and survey for the benefit of said Texas and Pacific Railway Company and the school fund; and there is also hereby set aside for the same purpose, out of the public lands, such additional width of territory on each side of the said sixteen miles of reservation as will make eighty miles in width from the twenty-third meridian of longitude west to the east boundary line of New Mexico, and to a point south of the south-east corner of said territory of New

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Mexico; that is to say, taking the centre line of said Memphis and El Paso reservation, and extending forty miles on either side thereof, and after reaching the said point south of, and opposite to the southeast corner of New Mexico, the said reservation of the unappropriated public domain is hereby continued eighty miles in width, extending westward to the Rio Grande, and bounded on the North by New Mexico, the same to include the Memphis and El Paso reservation hereinbefore mentioned, which said reservations, as herein continued and set apart, shall continue to be so reserved and set apart for the purposes herein mentioned until the year 1880, and no longer; provided, that nothing in this section contained shall impair or affect the rights of any person or persons heretofore legally acquired within said reservations; and provided, that the State of Texas shall have the right to grant the right of way, not to exceed two hundred feet in width, to any railroad company through or across said reservation, so long as the fee remains in the State, and to cross and connect with the road herein to be constructed.

Sec. 7. That the Commissioner of the General Land Office shall designate, upon the maps of his office, the reservations herein continued and created from the twenty-third meridian of longitude west from Washington to the Rio Grande river.

Sec. 8. That the certificates of land to which said Texas and Pacific Railway Company may be entitled under the provisions of this act, shall be located within the reservations hereinbefore continued and located, except one thousand certificates of six hundred and forty (640) acres each, to be issued to said company by the Commissioner of the General Land Office upon such portion of completed road as it may designate, and which certificates may be located upon any of the public domain of this State subject to location not included within said reservations. And provided further, that in case there is not a sufficient quantity of unappropriated public lands within said reservations to satisfy the remainder of the certificates to which said company may be entitled with the corresponding sections belonging to the school fund, then, and in that event, said company shall have the right to locate the balance of said certificates, with the corresponding sections for the common school fund, upon any of the unappropriated

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public domain of the State subject to location; provided, that the State of Texas shall not be held responsible for any deficit of public lands upon which to locate said certificates. And no land certificates issued under the provisions of this act, which may not be located by reason of the exhaustion of the public domain, shall ever constitute any claim against the State.

Sec. 9. That the above grants, donations, and reservations are made to the said Texas and Pacific Railway Company, a corporation created by an act of the Congress of the United States, approved March 3rd, 1871, as the assignee of and successor to the rights, privileges and franchises of the Southern Trans-Continental and Southern Pacific Railroad companies, corporations created by the laws of Texas, with the intent and distinct understanding that the same shall be accepted by said Texas and Pacific Railway Company, in full satisfaction of any claims for money, bonds, or lands, to which said company might be entitled under the act entitled "An Act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean," passed May 24th, 1871, and "An Act amendatory of and supplementary thereto," passed November 25th, 1871, or by virtue of the consolidation of said Texas and Pacific Railway Company with the Southern Trans-Continental Railway Company and the Southern Pacific Railroad Company, or by virtue of the charters of either of said railroad companies, or by virtue of any railroad franchise granted by the State of Texas, purchased or acquired by either of said companies or by the Texas and Pacific Railway company, or by virtue of any general or special law of this State, and in full satisfaction of all claims or demands for bonds, lands or money of the said Southern Pacific and Southern Trans-Continental Railroad Companies against the State of Texas; and said Texas and Pacific Railway Company shall be subject to such general laws as may be enacted by the Legislature, applicable to other railroads constructed within this State. And that all the property of the said corporations, or either of them, now or hereafter situated in this State, shall be hereafter subject to taxation by the laws of this State.

Sec. 10. That all railroads in this State, constructed, or that may be hereafter constructed, to intersect said Texas Pacific Railroad, shall have a right to connect with

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that line; that no discrimination in regard to charges for freight or passengers, or in any other matter, shall be made by said Texas Pacific Railroad Company against any of the said connecting roads, but that the charges per mile as to passengers and freight, passing from the said Texas Pacific Railroad over any of said connecting roads, or passing from any of said connecting roads over any part of said Texas Pacific Railroad, shall be governed and controlled by the laws of this State, now or hereafter to be enacted; provided, that said connecting road, or roads, shall not discriminate in their charges for freight and passengers against said Texas and Pacific Railway Company, but shall carry the same at the same rates and charges as said railroad company or companies carry their own freight and passengers; and said railroad company shall not have the right or power to consolidate with, or sell, rent or lease the same to any other railroad in this State, or to purchase, or lease, nor enter into any combination, in the nature of a partnership, with any railroad in this State running parallel with the said Texas and Pacific Railroad, or in the same general direction, that would in any way or manner give said company the power or right to control the rates of freight and passage on said road so purchased or leased; and should the provisions of this section be violated by said company, it shall work a forfeiture of the rights and privileges herein granted.

Sec. 11. That said Texas and Pacific Railway Company, by their board of directors, shall, within fifteen days from the date of approval of this act, signify to the Governor, by telegraph or otherwise, the acceptance or rejection of the terms and conditions of this act, and within thirty days from the date of approval of this act, shall file a formal acceptance or rejection of the same with the Secretary of State of the State of Texas.

Sec. 12. That all laws and parts of laws, in conflict or inconsistent with the terms and provisions of this act, be and the same are hereby repealed.

Sec. 13. That this act take effect and be in force from and after its passage.

Passed May 2nd, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the sixteenth day of

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May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CIX.

An Act supplemental to "An Act to Incorporate the Western Narrow Gauge Railway Company," approved August 4, 1870, and an Act supplemental thereto, approved October 13, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Western Narrow Gauge Railway Company are hereby authorized to cross the Brazos river by their railway at such point in Fort Bend or Austin counties, not more than three miles below San Felipe, nor eight miles above, as they may deem expedient, passing thence to the towns of La Grange, Lockhart, San Marcos, New Braunfels and San Antonio; and if a branch is built to the town of Bastrop, the depot building shall be located within one-half mile of the court house in said town.

Sec. 2. That said company shall be entitled to receive from the State of Texas a grant of sixteen sections of land for every mile of its road hereafter constructed and put in good running order in this State; and said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operating said road, as follows, viz., one-fourth in eight years, one-fourth in twelve years, and one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the location of the certificates, in such manner that the whole of such lands shall pass out of the hands of said company within twenty years after the date of their location; provided, that said lands shall not be alienated to any other railroad company or corporation, except so far as may be necessary for the proper use and conducting of the business of such company or corporation; nor shall said lands be alienated to any individual, firm or company in trust for said railroad company, or to any firm or company of which any officer or

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stockholder of said railroad company is a member; and a failure to comply with the provisions of this act, and the general laws of the State on the subject, or a violation of the provisions of this act and such general laws, shall work a forfeiture of all the benefits of this act; provided, that if said company shall construct the road herein provided for, of a less guage than four feet eight and a half inches in width, it shall be entitled to only twelve sections of land per mile of its road constructed and put in good running order.

Sec. 3. That whenever said company shall have completed and put in good running order, as provided in this act, a section of ten miles or more of its road, they may give notice thereof to the Governor of the State, whose duty it shall be to appoint some skillful engineer (if there be no State engineer) to examine said completed road; and if upon the report of said engineer, under oath, it shall appear that said section has been constructed and equipped in a good and substantial manner, and in accordance with the provisions of the charter of the company, this act, and the general laws in this State at the time regulating railroads, thereupon it shall be the duty of the Commissioner of the General Land Office of the State to issue to said company certificates, for six hundred and forty acres each, to the amount of sixteen sections per mile so completed and reported, which said certificates shall be located and surveyed in alternate sections, the field notes and maps returned to the General Land Office, and the odd sections patented to said company, and the even sections being reserved to the State for the school fund.

Sec. 4.—That this company shall not be entitled to the benefits of this act unless it shall complete at least ten miles of road every six months from and after the first day of January, 1874, until it crosses the Brazos river; and after that, ten miles every four months; and build its said road by the towns of La Grange, Lockhart, San Marcos, New Braunfels, the city of San Antonio, and erect and establish depots within the corporate limits of, and within one-half mile of the court house in said towns; provided, that the depot at New Braunfels shall be on the west side of the Guadalupe river; provided further, that the depot at San Antonio may be established at a distance not greater than one mile from the court house of said city.

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Sec. 5. That said company shall be subject to such general laws as are now, or that may be hereafter enacted for the regulation of railroad companies.

Sec. 6. That said company shall not consolidate, lease or sell its road to any parallel or competing road; and any violation of the provisions of this section shall operate to forfeit the charter of said company; and the State of Texas shall not be liable for any deficiency in lands; provided, said company may arrange with any other company to run over or use its road for the rolling stock of this company.

Sec. 7. That this act take effect and be in force from and after its passage.

Passed May 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fifth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution of the State, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CX.

An Act to incorporate the City of Corsicana, in Navarro County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of Navarro county extending one mile north from the court house, one mile south from the court house, one mile west from the court house and one and a half miles east from the court house, is hereby declared to be the city of Corsicana; that the inhabitants residing within said limits are hereby declared to be a body corporate, in the name of the City of Corsicana; by said name they shall sue and be sued in all courts; may purchase and hold property, and sell and convey the same; shall have a common seal, which shall not be changed, and all their official acts shall be authenticated by the impress of said seal; and shall have and exercise all the rights of notarial persons according to the powers herein granted.

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Sec. 2. That there shall be a city council consisting of a mayor and five aldermen, who shall be elected by the qualified voters of said city, and shall hold their respective offices for the term of two years from and after the first Monday in November of each and every second year, beginning with the first Monday in November, 1873. They may be removed from office by indictment and conviction in the District Court of Navarro county, for any offense known and prescribed by the Penal Code, and shall not be subject to removal in any other way. No person shall be eligible to either of said offices unless he has been a resident of the State five years, and within the city six months; they shall judge of the election and qualification of their own members, but when sitting to judge a contested election, shall be sworn. The mayor and three of the aldermen shall constitute a quorum to do business. Any member of said council who shall absent himself from any of the meetings of said board shall be deemed guilty of nonfeasance, and on conviction, shall be removed from office. And no person holding another office, State of Federal, shall be eligible to hold office under this charter, nor shall any person hold any two offices in said city. All vacancies in the council, treasurer, marshal or city attorney, shall be filled by election.

Sec. 3. All officers, before entering upon the duties of their respective offices, shall take the oath of office prescribed by the Constitution of the State. In case there shall be a tie in the election of any officer of the corporation, the mayor shall forthwith order a new election for such office, giving at least ten days notice of the time and place of the same. The city council shall meet once each month, and may continue in session three days, unless their business is sooner disposed of, for which service they may receive the sum of three dollars per day; they shall appoint the time and place of said monthly meetings. All laws made by them shall be written upon the records of the council, and signed by a majority of the board, and by the mayor; but they shall not be required to publish the same in any newspaper.

Sec. 4. They shall have power to levy and collect an ad valorem tax of not exceeding one-fourth of one per cent. upon all property within said city limits, on the first day of January of the current year. They shall not have power to levy any other taxes upon the people of said

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city, except upon tippling houses, drinking saloons, billiard tables and ten-pin alleys, the tax upon each of which shall not exceed five hundred dollars per annum. They shall have power to suppress all gambling houses, houses of male or female prostitution, and every species of swindling practiced upon the streets by lotteries and otherwise. They shall have power to appoint and fix the pay of policemen, and remove them at pleasure. The treasurer, city marshal and city attorney shall be elected by the qualified voters, and only removed in the manner prescribed for members of the council. The pay of the city treasurer shall be two and one-half per cent. on all moneys paid in to him, and two and one-half per cent. on all moneys paid out by him, which he may retain in his hands. The city marshal shall receive the same fees as constables for like services. The city attorney shall have the same fees as district attorneys for the like services, which shall be taxed on the bill of costs against the defendant, and collected of him in the same. The mayor shall receive a salary of five hundred dollars per year, payable quarterly. The treasurer and city marshal shall give bond in the sum of two thousand dollars, conditioned and payable as the council may direct. The council shall pass all laws for the police of the city and the preservation of order, and may fix fines not exceeding one hundred dollars, and imprisonment not exceeding ten days, for offenses committed; but any person charged with the commission of any offense shall have the right of trial by jury of six good and lawful men, by advancing three dollars jury fee, which shall be distributed equally among the jury. They shall not have the power to impose any forfeiture of property or right, except for crime whereof the party shall be duly convicted; nor shall they have any power to make any regulation interfering with the trade of the citizens of the State, bringing their produce to said city for market; nor to impose any tax whatever upon them or their produce brought into said city to be sold.

Sec. 5. The council may issue the bonds of the city for not more than one hundred thousand dollars, for educational purposes, and for no other purpose whatever; provided, a majority of the electors in said city shall have voted in favor of the same.

Sec. 6. In case of death, resignation, removal or ab-

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sence of the mayor, the board of aldermen shall select a presiding officer from among themselves; and in case of vacancy in the office of mayor, the board shall immediately order an election to fill the same.

Sec. 7. All elections shall be held on the first Monday in November of every second year, beginning with the year 1873, and the incumbent shall hold till his successor is qualified. The election shall be held openly, from nine o'clock A. M. till five o'clock P. M., and closed, and the votes counted publicly immediately upon the close of the polls.

Sec. 8. That the mayor and aldermen of the city of Corsicana are hereby authorized, by ordinance duly entered on the minutes, to submit to the vote of the people, the question of the issuance of the bonds of the corporation, not to exceed in amount the sum of one hundred thousand dollars, to run such time, bear such interest, as the mayor and board may prescribe; provided, the proceeds arising from the sale of said bonds shall not be used by said city, or appropriated by said board of aldermen to any but educational purposes. That it shall require a majority of two thirds of the registered voters of said city to authorize the issuance of said bonds; and that an election for this purpose shall be conducted and held in the same manner as an election for mayor and other city officers; and should said bonds be authorized, the mayor and aldermen of said city shall, by ordinance passed and duly entered on the minutes, before the issuance of said bonds, levy a sufficient annual tax on the subjects of taxation under the charter of said city to raise a sufficient fund to pay the annual interest on the bonds issued, and to create a sinking fund of two per cent. per annum on the principal of said bonds. The payment of interest, sinking fund and other matters incident to the issuance and sale of said bonds not herein provided for, may be regulated by the mayor and aldermen by ordinance spread on the minutes.

Sec. 9. That all laws conflicting with this act be repealed, and this act shall take effect and be in force from and after its passage.

Passed May 2, 1873.

[Note.—the foregoing act was presented to the Governor of Texas for his approval, on the fifth day of May,

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A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXI.

An Act amendatory of an Act entitled "An Act to incorporate the Bastrop Casino Association," approved October 27th, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That the "Bastrop Casino Association," having been incorporated under an act entitled "An Act to incorporate the Bastrop Casino Association," approved October 27, 1866; for the sole purpose of promoting education, morals, benevolence, and scientific and literary pursuits, all the property, real, personal and mixed, belonging to said "Bastrop Casino Association," is hereby exempted from taxation, State, county and municipal.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed May 3d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the fifth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXII.

An Act to Incorporate the Saint Louis and Mexican Gulf Railroad Company, and to grant Land to aid in the construction thereof.

Section [1.] Be it enacted by the Legislature of the State of Texas, That Henry T. Blow, Charles Sheppard, Job Newton, J. T. Means, Thomas A. Sherwood, Wil-

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liam H. Coffin, of the State of Missouri; and A. S. Johnson, E. P. Becton, Thomas Pierce, W. T. Simmons, C. C. Francis, N. J. Moore, John W. Roberson, W. H. Swift and George H. Gould, of the State of Texas; W. F. Hollister, John Jackson, Alvin Burt, Jerome B. Zerbee, Luther Kountze, of the city and State of New York; George T. Oliver of Pittsburg, Pennsylvania; Sam. R. Brown, Frank Lehmer, Bebee D. Crary, John Horbach, of Nebraska; and Charles B. Kountze, of Denver, Colorado; and David Walker, of Fayetteville, Arkansas; Marshall Marsh, of New Ark, Ohio; their associates, assigns and successors, be and they are hereby created a body corporate and politic, under the name, style and title of the "Saint Louis and Mexican Gulf Railroad Company;" with the capacity under and by virtue of said corporate name, to make contracts; to have succession; to have a common seal; to make by-laws for its government; to hold, own, buy and sell real and personal property; to sue and be sued; to plead and be impleaded; to accept donations and grants from the State or any county thereof, or any person, of lands or any other species of property whatsoever.

Sec. 2. That said railroad company, its successors and assigns, are hereby authorized to construct, own, maintain, equip and operate a continuous line of railroad, with either single or double track, as said company may deem best, of a uniform gauge of not less width than four feet eight and one-half inches, or of the present gauge of the "Atlantic and Pacific Railroad," together witha telegraph line, commencing at some point on Sabine Pass, in Jefferson county; thence to Beaumont; thence to Woodville, in Tyler county, or within one-half mile thereof; thence to Homer, in Angelina county, or within one-half mile thereof; thence to Nacogdoches, in Nacogdoches county, or within one-half mile thereof; thence to Henderson, in Rusk county, or within one-half mile thereof; thence to Paris, in Lamar county, or within one-half mile thereof; thence to Red River; and said railroad company shall locate a freight and passenger depot within one-half mile of the court house or business center of said towns aforesaid; provided, said towns donate to said company ten acres of land, the right of way through said towns, and ground for switches and side tracks; provided further, should the road, on a

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direct line, run within five miles of any county town, then it shall run to and establish a depot for passengers and freight, within one-half mile of the business portion of said town, the town giving the right of way and sufficient land for depot purposes.

Sec. 3 That said railroad company shall have the right of way, and the same is hereby granted, for two hundred feet in width through the public lands belonging to the State, for the construction of a railroad and telegraph as proposed; and the right, power and authority is hereby given to said corporation to take such rock, timber, earth and other material as may be needed in constructing its said railroad, and all necessary grounds for station buildings, work-shops, depots, machine shops, switches, turn-tables and watering stations.

Sec. 4. That the capital stock of said railroad company shall be ten million of dollars, divided into one hundred thousand shares of one hundred dollars each, and each share shall entitle the owner thereof to one vote; and the same shall be deemed personal property, and shall be transferable only on the books of the corporation, by the person or persons owning the same, or by his or her agent or attorney, or by his or her legal representative; and such stock shall be at all times holden by the corporation for any dues from the owner thereof, and such certificate of stock shall have endorsed thereon a statement of these facts.

Sec. 5. That the business affairs of said railroad company shall be managed by a board of directors, of not less than five nor more than thirteen, who shall be elected at the general meeting of the stockholders, to be held biennially, and shall hold thir offices for the period of two years, and until their successors are elected and qualified. The time for the first election and organization under this act shall take place in sixty days after the passage of this act, in the city of Saint Louis, in the State of Missouri. No person shall be eligible as a director unless he be the owner of ten shares of the capital stock. The said board of directors shall elect a president, vice president, managing director and attorney from their number, who shall hold their offices two years, and until their successors are elected and qualified. The president shall appoint a treasurer and secretary, who shall hold their offices two years, and until their successors are appointed and quali-

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fied; each of whom shall enter into bond, with security, to be approved by the president, for the faithful performance of his duties. The board of directors shall have power to make assessments upon the stockholders, and to prescribe the time for the payment of such assessment, and to affix the penalty upon failure of the stockholders thus asssessed, to pay the amount of such assessment, not to exceed the amount owing by the stockholders. A majority of said board of directors shall constitute a board for the transaction of business; and instruments or contracts in writing, authorized by the board of directors, or by this act, or any by-law passed by said board of directors, shall be signed by the president and countersigned by the secretary, with the seal of the company affixed, and the order, resolution of the board, or by-law authorizing the contract or instrument, shall be inserted in said contract or instrument.

Sec. 6. That said railroad company, for the purpose of constructing, repairing and maintaining its railroad, shall have the right, and said railroad company are hereby authorized and empowered to borrow money, to purchase property upon its own credit, to issue its bonds and obligations therefor, at such time and place and at such rates of interest in lawful currency of the United State[s], or in gold coin of the United State[s], or any foreign country, as the directors of said company may see proper, and to secure the payment of said bonds and obligations, may mortgage its railroad, its capital stock, its corporate franchises, and any and all of its property, real and personal, or any portion thereof, in such manner and form as said company or it[s] directors shall deem best and expedient.

Sec. 7. That there be, and is hereby granted to the Saint Louis and Mexican Gulf Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph, sixteen sections of land, of six hundred and forty acres each, for every mile of railroad said company shall construct, equip and finish in the manner hereinafter mentioned within the State of Texas; and whenever said Saint Louis and Mexican Gulf Railroad Company shall have twenty consecutive miles of its railroad and telegraph line ready for service, the Governor of the State of Texas shall appoint three commissioners to examine the same, who

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shall be paid a reasonable compensation for their services by said company; and if it shall appear that twenty miles of said railroad and telegraph line have been completed in a good, workmanlike manner, the commissioners shall report, under oath, to the Governor, which said report shall be filed in the office of the Commissioner of the General Land Office; and the Commission[er] of the General Land Office, so soon as said report is filed as aforesaid, shall issue to said company certificates for the lands to which it may be entitled, to-wit, to sixteen sections per mile, of six hundred and forty acres each, said company to designate and cause said lands to be surveyed in the manner now provided by law, in alternate sections; and after the location of said certificates by said company, and the filing of the survey and field notes and maps, as required by law, patents shall issue to said company, conveying to said company all the right, title and interest in the odd sections that the State had in and to the said lands thus selected and located by said company. The even sections shall be reserved to the common school fund, as provided by law. And from time to time whenever twenty additional consecutive miles of said railroad shall have been constructed, completed and in readiness as aforesaid, verified by such commissioners to the Governor of said State of Texas, as aforesaid, then certificates shall be issued to said company by the Commissioner of the General Land Office, to the amount of sixteen sections per mile, of six hundred and forty acres each; and after the location and survey, and return thereof as aforesaid, said company shall have a patent thereto as aforesaid; and so on as fast as every twenty miles of said railroad is completed as aforesaid; provided, that this section shall not be construed so as to give said company more than sixteen sections of land per mile on account of any part of said road being built double track; provided further, that in no case shall the State be in any way liable for deficiency of vacant domain.

Sec. 8. That said railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, viaducts, crossings, turnouts, stations, and watering places, and all other appurtenances, including furniture and rolling stock, equal in all respects to railroads of the first class when prepared for business.

Sec. 9. That said company shall keep its principal

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office at some point in the State of Texas on said line of railroad, and other offices at such place or places as said company may deem best and expedient. All suits by the company shall be brought by the president, managing director or attorney of said company. And suits may be maintained against said company by service of process being had on the president, vice-president, managing director or attorney of the road, or as otherwise provided by law, and may be brought in the county where the cause of action accrued; and if said president, vice-president, managing director or attorney of said company cannot be found in the county where such cause of action accrued, it shall be lawful for the officer issuing the writ to direct the same to the sheriff of the county in which said officers, or either one of them, reside; and the service made by such officer on the officer of the railroad company shall be as binding and valid, to all legal intents and purposes, as if said officer of said railroad company had been served with process where the suit is pending, and where the cause of action accrued or in the manner otherwise provided for by law.

Sec. 10. That said railroad company shall commence work on said railroad on or before the tenth day of November, A. D. 1873, at such point as the said company may deem most practicable, and build fifty miles of its said railroad on or before the first day of November, A. D. 1874, and shall build seventy-five miles of its said road every year thereafter until said road is completed; and shall be subject to all general laws now in force or hereafter to be enacted in relation to railroads. And if said railroad company shall fail to build its road as hereinbefore prescribed, said company shall take no further benefit for that portion of said road not built.

Sec. 11. That the lands herein donated to said company shall be alienated as follows: One-fourth thereof in eight years from and after the passage of this act; one-fourth in twelve years; one-fourth in sixteen years; one-fourth in twenty years; so that the whole of the lands herein donated to said company shall pass from the possession of said company in twenty years, save and except what may be necessary for the use of said company in the operation of the road hereby incorporated, including one hundred feet in width on either side of said road; also all necessary grounds for depots, side tracks, switches,

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turnouts, turn-tables, water tanks, car shops. That said lands be sold to no other railroad corporation, and shall not be conveyed in trust for said railroad company, nor to any firm or company, of which any officer or stockholder of said railroad company is a member; and a violation of the provisions of this act, or the general laws on the subject of railroads, or a failure to comply with the requirements hereof, and of such general laws, shall work a forfeiture of the benefits of this act.

Sec. 12. That if said Saint Louis and Mexican Gulf Railroad Company use the road-bed, or any portion thereof, made by the East Texas Railroad Company, for which said East Texas Railroad Company has received a land grant, the amount of lands received by said East Texas Railroad Company, on any portion of road-bed used by the Saint Louis and Mexican Gulf Railroad Company, shall be deducted from the amount of land that would be due said Saint Louis and Mexican Gulf Railroad, on the completion of its railroad; and the commissioners appointed by this act to inspect and receive said road, shall, in their report, report the amount of said road-bed used, if any, and the amount of land to be deducted, if any, for the use and occupation of said road-bed by said Saint Louis and Mexican Gulf Railroad Company. But this act shall not be construed to require said Saint Louis and Mexican Gulf Railroad Company to use the East Texas road-bed, or any part thereof; but the same is left to the option of said company; provided, that this company shall not receive any lands from the State heretofore granted to the East Texas Railroad.

Sec. 13. That the said company shall not be allowed to rent, lease or sell to, or consolidate with, any converging, competing or parallel railroad; and a violation of this provision, judicially ascertained, shall work a forfeiture of its charter.

Sec. 14. That this act shall take effect and be in force from and after its passage, and continue in force for sixty years.

Passed May 3d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fifth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his

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objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature. —James P. Newcomb, Secretary of State.]

CHAPTER CXIII.

An Act to incorporate the Jefferson Institute, located in the City of Jefferson, in the County of Marion, in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Revd. R. S. Finley, Hon. J. D. McAdoo, E. W. Taylor, A. P. Brown, F. A. Schluter, K. D. Bateman, J. W. Sims, Jr., Geo. A. Kelly and E. Marx, be and they are hereby constituted a body corporate under the name and title of "The President and Board of Trustees of Jefferson Institute."

Sec. 2. Be it further enacted, etc., That five members of the said board shall constitute a quorum for the transaction of business; that their meetings shall be held annually on the day preceding the closing exercises of each session, at which time a president and secretary shall be chosen, for the ensuing year, by the members thereof; and that until the first annual election shall be held, J. W. Sims, Jr., be and he is hereby appointed president of said board, with authority to appoint a secretary of the same.

Sec. 3. Be it further enacted, etc., That the powers and duties of said board shall be confined to the examination and recommendation, or rejection of applicants for degrees, etc., and to the encouragement and maintenance of an institution of learning for young ladies, located in the City of Jefferson, in the county of Marion, in the State of Texas, to be called "Jefferson Institute," of which Miss Eleanor N. Norwood shall be principal, with full power and authority to conduct the affairs of the same as she may deem proper.

Sec. 4. Be it further enacted, etc., That the said principal, and those whom she may appoint as her successors, shall have power and authority to confer literary and scientific degrees on such of her pupils as may be recommended by the president and board of trustees, and to grant diplomas and other testimonials of merit; provided, all diplomas heretofore granted by said principal shall be

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as valid, and have the same force and effect as those hereafter granted.

Sec. 5. Be it further enacted, etc., That the said principal shall procure a seal with suitable devices, which shall be impressed on all diplomas granted by said institution.

Sec. 6. Be it further enacted, etc., That said board of trustees shall have power to fill all vacancies that may occur in their said board, from death resignation or otherwise, and that the president of said board, at the request of any two members thereof, shall call a meeting of said board to deliberate and take action on any matter requiring their attention.

Sec. 7. Be it further enacted, etc., That this act take effect from and after its passage.

Approved May 3d, 1873.

CHAPTER CXIV.

An Act to authorize the County Court of Freestone County to levy and collect a Special Tax for the purpose of repairing the Court House and Jail in said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Freestone county be and they are hereby authorized to levy and collect a special ad valorem tax of one-eighth of one per cent. on all the taxable property in said county, for the purpose of repairing the court house and jail at the county site thereof, in the town of Fairfield, to be levied and collected as other State and county taxes.

Sec. 2. This act shall take effect and be in force from and after its passage.

Passed May 3d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the sixth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXV.

An Act to incorporate the Town of McDade, in Bastrop County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of McDade, in the county of Bastrop, be and they are hereby declared and made a body politic and corporate, under the name and style of the "Corporation of McDade;" by which name they may sue and be sued, plead and be impleaded, acquire and hold property, both real and personal, and sell and dispose of the same at their will and pleasure.

Sec. 2. That the area of said corporation shall be one mile square, to be so laid off that the present railroad depot building shall be in the centre of the corporate limits.

Sec. 3. It shall be the duty of the citizens of said corporation to elect a mayor, four aldermen and a marshal, who shall hold their offices for one year, and until their successors are elected and qualified. The first election to be held on the first Monday in January, in 1874, and all subsequent elections on the same day in each year thereafter. The mayor and aldermen shall compose the town council, any three of whom shall constitute a quorum for the transaction of all business. Said council shall have power to pass such rules, regulations, ordinances and laws as may be necessary for the regulation of the police, and preservation of peace, order, quiet and good health within the corporate limits of said town, and to impose such punishment, both by fine and imprisonment, as may be necessary to enforce a proper observance of the same; provided, however, that no fine shall exceed two hundred dollars, and no imprisonment shall exceed fifteen days, for any single offense.

Sec. 4. Said council shall have the power to impose a direct property and license tax upon all such property, persons and employments as are liable to taxation under the Constitution and laws of the State, and to enforce the collection of the same, under such rules and regulations as they may adopt; provided, that no property tax shall exceed, for any one year, one-half of one per cent. of the value of said property; and no license tax greater than

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two hundred dollars, shall be annually imposed on any one person or firm; and provided, furthermore, that no tax shall ever be levied by said council upon any property, real or personal, that may be owned, occupied and used exclusively for church, educational or charitable purposes.

Sec. 5. Said council shall have exclusive control and supervision over all streets, sidewalks, alleys and highways within the corporate limits of said town, and they shall cause to be raised by taxation a sufficient sum of money as may be necessary to improve and keep the same in good repair.

Sec. 6. Said council shall at their first regular meeting, elect one of their number treasurer, who shall act as secretary of said council, and shall, before he enters upon the discharge of his duties, take and subscribe the oath of office prescribed by the Constitution of this State, and give bond to said corporation in such sum as may be required by said council, for the faithful performance of his duties, and shall receive such pay for his services as may be allowed him by said council.

Sec. 7. The marshal, before entering upon the duties of his office, shall take and subscribe the oath of office prescribed by the Constitution of this State, and give bond and security to the corporation for the faithful discharge of his duties, in such sum as may be designated by the council; and it shall be his duty to execute all process issued to him by the mayor, suppress all riots and disorderly assemblies, make all arrests, with or without warrant, of persons for violation of any of the corporate laws; he shall have power to call to his aid the citizens within the corporate limits, and may execute process beyond the limits of the corporation; provided, the offense upon which the process is based was committed within said limits; and he shall receive such fees for his services as are prescribed by law for constables for similar services. He shall, by virtue of his office, be the assessor and collector of taxes for said corporation, and for such services shall be allowed such fees as the council may think him entitled to.

Sec. 8. The mayor shall take the oath of office prescribed by the Constitution of this State, and give bond for the faithful dischage of his duties in such sum as the council may determine. For all services rendered by him

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he shall receive such fees as are allowed justices of the peace for similar services, and he shall have jurisdiction to try and determine all infractions and violations of the laws of the corporation under such rules as may be prescribed by the council. He shall have power to issue such warrants and process as may be necessary to enforce his jurisdiction.

Sec. 9. In case of a vacancy in the office of mayor, alderman or marshal, by death, removal, or otherwise, an election shall be immediately held to fill the unexpired time, in the same manner and form as prescribed for a general election. Should the office of mayor become vacant, the council shall elect one of their number to act as such until a mayor shall have been elected and qualified; and in case of vacancy in the office of marshal, the council may depute some competent person to act as such until a marshal can be elected.

Sec. 10. The mayor shall not vote in any proceedings of the council, except there be a tie, when he may cast the deciding vote.

Sec. 11. It shall be the duty of the mayor and marshal to cause an election to be held on the first Monday in January in each year, by giving notice thereof at least ten days before the election, for the election of all officers herein provided for; and should the mayor and marshal refuse to order any such election, then any five citizens of said corporation may order and hold said election, after giving five days notice. All persons who reside within the corporate limits, and are entitled, under the laws of this State, to vote, shall, under this charter, be entitled to vote at any election herein provided for; and the mayor shall have power to order elections to fill vacancies that may occur by reason of death, resignation or otherwise.

Sec. 12. The officers of this corporation shall hold their offices for the term of one year, beginning ten days after the first Monday in January in each year.

Sec. 13. That H. A. Highsmith shall be the mayor, M. Cliett, the marshal; and G. P. Staten, T. P. Early, A. H. Crow and O. F. Nash the aldermen of said corporation until the tenth day after the first Monday in January, 1874; and should any vacancy occur in any of said offices before the date last mentioned, it shall be filled in the manner hereinbefore prescribed.

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Sec. 14. This act shall take effect and be in force from and after its passage.

Approved May 3d, 1873.

CHAPTER CXVI.

An Act to Incorporate the German Germania of Columbus.

Section 1. Be it enacted by the Legislature of the State of Texas, That Theodore, Hardee, John Zwiegel, H. Kulow, Geo. Witting and T. G. Schultz, of the city of Columbus, county of Colorado and State of Texas, together with their associates, be and are hereby incorporated as a body politic and corporate, under the name and style of the "German Germania," of the city of Columbus.

Sec. 2. That said corporation shall be invested with perpetual rights and succession, and as such, may have and use a common seal, subscribe, hold and buy real estate within the corporate limits of the city of Columbus, under such rules and regulations as the members of said association shall agree upon and make, not inconsistent with the terms of this charter, and the Constitution and laws of the State of Texas.

Sec. 3. The members of this association, or a majority of them, may make by-laws for the government of the said association; and may at any time expel a member for a violation of the rules of said association.

Sec. 4. The object of said association being for the social recreation of the members of said association, their families and friends, and for the promotion of intelligence, the same shall never be used or devoted to any other purpose.

Sec. 5. Said association, by its corporate name, may sue, and be sued; plead and be impleaded; and generally may do all other acts necessary to preserve the property and protect the rights of the association, as such; provided, that said association and its successors shall never own, at any time, a greater amount of real estate than is of the just value of twenty thousand dollars, exclusive of improvements.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved May 3d, 1873.

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CHAPTER CXVII.

An Act to incorporate the Town of Wharton, in Wharton County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Wharton, in Wharton county, be, and they are hereby declared a body politic and corporate, under the name and style of the "Corporation of the Town of Wharton;" and by that name shall have power to sue and be sued, plead and be impleaded, and to acquire, hold and dispose of real and personal property.

Sec. 2. That the limits of said corporation shall extend one-half mile in every direction from the court house on the public square of said town.

Sec. 3. That no person shall be eligible to office, or vote in said corporation, who has not been a resident thereof for six months prior to every election for mayor and board of aldermen.

Sec. 4. That the mayor and a majority of the board of aldermen shall have power to pass ordinances and rules for the regulation of peace and order, to protect life and property, to levy and collect taxes, not to exceed one per cent., within said corporation; to provide penalties for the violation of the ordinances of said corporation, not inconsistent with the Constitution and laws of the State; to appoint such officers as may be deemed necessary.

Sec. 5. That all officers, before entering upon the duties of their office, shall take and subscribe the oath prescribed by the Constitution of the State; and the mayor and all appointed officers, under this act, shall enter into bond for the faithful performance of their duties, to be approved by the city council.

Sec. 6. That the term of office under this act shall be two years from the date of election or appointment.

Sec. 7. That the presiding justice of the county of Wharton, shall, as soon as practicable, order an election to be holden in said corporation, after giving fifteen days notice, for one mayor and five aldermen, the election to be conducted under such laws as are in force at the time of election; and said justice shall be the presiding officer, and issue certificates of election to the person receiving

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the highest number of votes cast; and all elections thereafter held, to fill vacancies or otherwise, shall be conducted under such regulations as shall be prescribed by the mayor and board of aldermen.

Sec. 8. That this act take effect and be in force from and after its passage.

Approved May 3d, 1873.

CHAPTER CXVIII.

An Act to incorporate the Milam Real Estate and Emigration Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. R. Smith, George Green, J. W. McCowen, Jr., W. M. McGregor and B. F. Ackerman, and all others who may become associated with them as stockholders, their successors and assigns, are hereby created and established a body corporate and politic, under the name and style of the "Milam Real Estate and Emigration Association;" with capacity in said corporate name to sue and be sued; to plead and be impleaded; to have, hold, possess, use and enjoy, by purchase, grant, gift or devise, property, real, personal and mixed, and to sell the same; to contract and execute leases, deeds, mortgages, deeds of trust; to contract for, erect, own and maintain buildings; to contract for the importation and transportation of emigrants, and to import and transport emigrants from any portion of the United States or any foreign government into the State of Texas, or any portion of the State; to borrow money, issue bills of credit, draw bills of exchange; to collect debts, bonds, bills, drafts, and all species of indebtedness, and do and perform any and all things necessary for the business of said company; as are not contrary to the Constitution and laws of the State of Texas. Said company shall have a corporate seal, with such device as they may select, and may alter the same at their pleasure.

Sec. 2. The capital stock of said company shall not exceed two million dollars, divided into shares of one hundred dollars each. Each share shall entitle the owner thereof to one vote, either personally or by proxy, at all

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meetings of the stockholders; provided, that a two-thirds majority of the stock subscribed, expressed in writing or by vote at any meeting of the stockholders, shall be binding upon the company. Said shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded by the secretary in the books of the company kept in his office, or in such other and further manner as the directors of said company may prescribe.

Sec. 3. The said company shall be under the control and management of the board of directors, who shall be elected by a majority of the stockholders at their first regular meeting, and the directors when elected shall select, from their number, a president, vice-president, secretary and treasurer.

Sec. 4. That the number of the board of directors shall not exceed nine, and a majority of said board shall have power to pass all necessary regulations, ordinances and by-laws for the regulation and government of said company in its business and contracts as are not in contravention of the Constitution and laws of the State.

Sec. 5. The secretary and treasurer of said company shall make an annual report, with a balance sheet, showing the condition and business done by said company for the previous year, and submit the same to the stockholders of the company for their examination and inspection.

Sec. 6. The president—in his absence, the vice-president—shall call a meeting of the stockholders of said company annually, at such time and place as he may desire, at which meeting the business of the company for the previous year shall be presented to the stockholders as stated in section (5) five; and if, upon examination and inspection of the business done by the company, and the condition of the same, two-thirds of the stockholders who have paid their subscription, shall desire to dissolve said company, and shall so vote, either in person or by proxy, the directors shall immediately take such steps as may be necessary to wind up and settle the business of the company; and for this purpose shall proceed to pay and settle all the indebtedness of every nature and description of said company, and to collect all the debts due the company, as far as possible; and after paying off and settling all the liabilities of said company, the directors shall sell at public outcry, for cash, all the remaining unsold property, also all debts, bonds, accounts, &c., be-

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longing to said company, and the proceeds arising therefrom, together with any other money of the company remaining on hand, shall be divided, among the stockholders who have paid their stock, pro rata on the amount of stock subscribed.

Sec. 7. No stockholder's individuala property shall be liable for any debt, default, miscarriage, neglect, or liability of any character, of said company, further than the amount of his individual stock subscribed and remaining unpaid.

Sec. 8. The directors shall have power to prescribe rules and regulations for the forfeiture of stocks to said company, and to prescribe the time and manner in which payment of stocks shall be made, and to do all things that in their judgment may be necessary to promote the harmony advance the interest of said company, not inconsistent with the powers herein delegated.

Sec. 9. That this act take effect and be in force from and after its passage.

Approved May 3d, 1873.

CHAPTER CXIX.

An Act to incorporate the Austin Trust Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. M. Pease, A. S. Walker, James H. Raymond, W. S. Hotchkiss and C. R. Johns, of Austin city; W. B. P. Gaines, of Brazoria; and W. J. Hutchins, of Houston, Texas, their associates and successors, shall be, and they are hereby created and constituted a body politic and corporate, under the name and style of the "AustinTrust Company;" and by that name shall have succession and a common seal; with power to sue and be sued, to plead and be impleaded in all the courts of this State; and shall be capable of receiving, purchasing, conveying, holding in fee or in trust, for themselves or for others, property and estate of every description whatever, with power of alienating, conveying, mortgaging, or in any other manner disposing of the same, in like manner as a natural person may or can acquire and dispose of similar property and estate.

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Sec. 2. The said corporation shall have power and authority to accept and execute such trusts of every description as may be committed to it by any person or persons or corporation whatever; to receive money, or property, or estate of any description whatsoever, on deposit or in trust, and give certificates therefor, under such rules and regulations as said corporation may establish.

Sec. 3. The said corporation shall have authority to act as a trustee, by appointment of any court of this State or of the United States, or by the selection of any executor or executors, or individual or individuals, for themselves, or for the benefit of any minor or minors for whom they may be acting; and funds in litigation in the various courts of this State or of the United States may be deposited with said "Austin Trust Company," pending said litigation.

Sec. 4. The said corporation shall also have power and authority to borrow and lend money; to discount, buy and sell bonds, bills of exchange, promissory notes, and every description of paper given for the payment of money or property; and also to buy and sell certificates for stock or shares in any incorporated company; and shall have and exercise all the powers necessary to execute and carry out the purposes of said corporation, in like manner as the same might or could be done by the natural person.

Sec. 5. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; said shares shall be personal property, transferable only on the books of the company; and said capital stock may be increased from time to time, at the pleasure of said company, not to exceed the sum of one million of dollars.

Sec. 6. The persons named in the first section of this act shall be a permanent board of trustees, in whom shall be vested the corporate powers of the company. They shall adopt rules and regulations for the organization of the company, and the management of its affairs. They shall appoint a president, vice president, secretary and fiscal agent, and such other officers and agents as they may think necessary, who shall reside at the city of Austin, and exercise such powers as may be delegated to them. The said trustees may also appoint such officers and agents to reside in other localities, and perform such

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duties as may be assigned to them. All vacancies in the board of trustees, by resignation, death or otherwise, shall be filled by a majority of the surviving board. A majority of the board of trustees shall be a quorum for the transaction of all business, and they may at any time remove any officer or agent. They shall have power to require such bond and security from the officers and agents of the company, as they may deem necessary to secure the faithful performance of their respective duties.

Sec. 7. The said corporation shall have the right to organize and commence business whenever fifty thousand dollars of the capital stock shall have been subscribed, and ten per cent. thereof shall have been paid in. The said corporators, or a majority thereof, may, after giving thirty (30) days notice in some newspaper printed in the city of Austin, of the time and place in said city, when they will receive subscriptions for said stock, open books therefor; but they shall receive no such subscription unless ten per cent. thereof is paid at the time of subscribing, and if a larger amount than fifty thousand dollars shall be subscribed, the said corporators shall so apportion the same as to give to each subscriber some portion of said stock.

Sec. 8. Each stockholder of said corporation, for the time being, shall be liable to the creditors thereof for the amount of any portion of his stock that has not been paid into the company; provided, that the said company shall be under the control of the Legislature, and subject to such laws as shall from time to time be passed amendatory of the same.

Sec. 9. This act shall continue in force for seventy-five years, and shall take effect from and after its passage.

Approved May 3d, 1873.

CHAPTER CXX.

An Act supplemental to and amendatory of an Act entitled "An Act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company," passed November eleventh, A. D. 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above re-

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cited act shall be so amended as to hereafter read as follows, viz.: The object of the company shall be to establish, construct, complete, maintain and operate a first class railroad from, and beginning at or near Rockport and Fulton, on Aransas Bay, to Laredo, on the Rio Grande, or to some more convenient point upon said river, with the ultimate view of connecting with a railroad within the Republic of Mexico, from some point upon the Pacific coast; and the company are hereby authorized to construct, complete and maintain, or cause to be completed and maintained, a branch railroad, from such point on their main line of road as they may select, to San Antonio, which said branch road shall be known and designated as the "Northwest Branch Road," and shall be entitled to all the rights, benefits, privileges and immunities conferred by the charter upon the main line; and the better to enable the company to carry out anad fully consummate their object, they are hereby given, granted and endowed with all general and special powers necessary to enable them to consummate the same, to purchase lands, accept donations or grants of lands, or any other property or effects; and J. M. Doughty shall be, and he is hereby authorized to act as commissioner of organization and negotiation, to negotiate with capitalists for means to be used in aid of the construction of said road and branch, subject to the ratification of a majority of the corporators herein named. The State of Texas, in aid of the construction of said railway, hereby donates to said company sixteen sections of land per mile, of six hundred and forty acres each, out of any of the unappropriated public domain of the State; provided, that said company shall survey the alternate or even sections of land for public schools, and return said surveys to the General Land Office of the State; and provided further, that said railway company shall be subject to all general laws that are now in force or may hereafter be enacted in relation to donations of land to objects of internal improvements, and all laws enacted by the Legislature heretofore, or that may be hereafter enacted, regulating railorads and railroad companies; and provided further, that the gauge of said road shall be four feet eight and a half inches; and provided further, that said railway shall be completed in accordance with its charter, and shall not receive any lands until it shall have completed a section of at least ten con-

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secutive miles or more of its road, and shall have given notice of the same to the Governor of this State, whose duty it shall be to appoint some skillful engineer, if there be no State engineer, to examine said section of road; and if, upon the report of said engineer, under oath, that said section of the road has been constructed in accordance with its charter, this act, and the general laws governing railroad[s], thereupon it shall become the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty acres each, equal in amount to sixteen sections per mile of road so completed, which said certificates shall be located and surveyed in alternate sections, and field notes and maps to be returned to the General Land Office, and the odd sections patented to the said company, and all the alternate or even sections shall be reserved and held, to be set apart and appropriated to, and constitue a part of the common school fund, as provided by law; and upon the further completion of any other section of ten consecutive miles of said road, said company shall be in like manner entitled to the same amount of land certificates, to be issued upon the same conditions, and in the same manner as hereinbefore provided for the first section of ten miles of road; and the lands granted to said company by virtue of the provisions of this act, shall be alienated by said company, except so far as may be necessary to the maintenance and running of its road, as follows, viz., one-fourth in six years, one-fourth in eight years, one-fourth in ten years, and one-fourth in twelve years, from the time of acquiring such lands or real estate; provided, said lands shall not be alienated, directly nor indirectly, to any other corporation for its use, except so far as may be necessary for the proper uses and convenience of the business of such corporation; and on failure to alienate said lands as herein directed, they shall be proceeded against as the laws in force may direct; provided, that in no case shall the State be in any way liable for deficiency of vacant domain.

Sec. 2. Be it further enacted, That the thirteenth section of the aforesaid act shall be so amended as to hereafter read as follows, viz.: The company shall complete and put in thorough running order, by the first day of February, A. D. 1875, a section of at least ten miles of

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railroad under their charter, and within five years from said time shall have a further section of one hundred miles completed as aforesaid, and the remainder of said road shall be completed within two years thereafter; provided, that if said company shall find it to their interest to terminate their road at any point on the line of any railroad running from San Antonio to the Rio Grande, the same shall be deemed a compliance with the terms of this act, and the act to which it is amendatory, either as to the main line or branch, as the case may be, and the company shall not then be required to construct their road further; provided, further, that the said company shall not have the right to sell, rent, lease, or consolidate with any parallel or competing railroad in this State.

Sec. 3. That the State reserves the right to regulate the rates of freight and passage on said road by any general law of the State applicable to railroads, and also to place the officers and employes of the same under the provisions of any general law which is now in force, or may be hereinafter enacted, to prevent wrong towards passengers or other patrons of railroads.

Sec. 4. That this act take effect and be in force from and after its passage.

Passed May 5th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the sixth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXI.

An Act to Prohibit the Sale of Intoxicating Liquors within two miles of the Linn Flat High School House, in Nacogdoches County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons to sell or dispose of any intoxicating liquors, by sale or otherwise, except for medicinal, or wine for

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sacramental purposes, within two miles of Linn Flat High School House, in Nacogdoches county.

Sec. 2. Be it further enacted, That any person or persons violating the provisions of the foregoing act, shall, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars, for each and every offense.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed May 5, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the seventh day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution of the State, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXII.

An Act granting a charter to O. M. Airheart, to create, keep and run a Ferry-boat at the Spivey Crossing, on Trinity River, in Henderson County and Navarro County.

Section 1. Be it enacted by the Legislature of the State of Texas, That O. M. Airheart, of the county of Henderson, is hereby authorized to keep and run a ferry-boat, at the old Spivey crossing, on Trinity river, on the road leading from Athens, in Henderson county, to Corsicana, in Navarro county.

Sec. 2. That the said O. M. Airheart be subject to the general laws of the State of Texas, governing the establishment of ferries.

Sec. 3. That there shall not be established any other ferry or other ferry-boat, kept or run for public use, within four miles above or below said ferry established by this act, except for private use, after said ferry-boat shall be in running order, and the said Airheart shall establish and have a good and substantial ferry-boat completed and in running order within three months from the

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passage of this act; and shall then be ready at all times to convey passengers and property of all di[e]scriptions, and shall be responsible, as common carriers, for the same, except at such stages of the water in said Trinity river as in the opinion of the ferryman in charge it would [be] hazardous to cross the said river, and in such event he shall not be compelled to cross or run his ferry-boat.

Sec. 4. That the said O. M. Airheart, his agent or attorney, shall be entitled to collect and receive the following tolls (to wit): For wagon or any other vehicle drawn by four horses, or mules, or oxen, seventy-five cents; and ten cents for each pair of horses, mules or oxen in said team over the first number named; for each two-horse wagon or vehicle, drawn by two horses, mules, oxen or other animals, the sum of fifty cents; for one-horse wagon, buggy or cart, the sum of thirty cents; for each man and horse, the sum of fifteen cents; for each footman, five cents; for each loose horse, mule, jack, jennet, ox or cow, the sum of five cents each; for animals in drove or herd, of the stock kind, the sum of three cents each; for hogs, sheep and goats, the sum of two cents per head. Any other species of stock or property crossed at said ferry, and not enumerated above, a ferr[i]age fee in proportion as above.

Sec. 5. Any person willfully damaging said ferry-boat, its tackle, paraphranalia [paraphernalia], or anything appertaining to the said boat, its landing, banks or crossways, shall be fined in double the amount of the damages proven, upon conviction, and same recoverable before any court of competent jurisdiction, and the same be due and payable to the party injured; and said fine and costs to be collected as other fines are.

Sec. 6. This charter shall be in force for the period of fifteen years from and after the passage of this act; provided, said ferry shall be kept in good repair and condition to serve and answer for public use; otherwise, this charter shall be null and void.

Sec. 7. This act shall take effect and be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the eighth day of May, A. D. 1873, and was not signed by him, or returned to the

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house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXIII.

An Act to Incorporate the Lee Fire Engine Company, No. 5, of the City of Galveston, State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That David Jordan, J. Schwarb, A. Balliman, W. F. Seiffert, F. Poole, C. Wolf and C. Bergman, of the county of Galveston and State of Texas, and their associates and successors, are hereby constituted a body politic and corporate, under the name and style of "Lee Fire Engine Company, No. 5;" and by that name have succession, and may sue and be sued, plead and be impleaded, have and use a corporate seal; buy, sell and hold real, personal and mixed property, not to exceed in value one hundred thousand dollars; may contract and be contracted with, and make all rules and by-laws that may be necessary for the government of the said company, and have and exercise all the powers and rights generally incident to such companies.

Sec. 2. That said company shall have the right, in its constitution and by-laws, to impose fines upon its members for neglect of duty, not to exceed in any one instance the sum of ten dollars, which may be collected in the name of said company, by suit before any justice of the peace, in and for the county of Galveston.

Sec. 3. That the members of said company shall never be less than twenty nor more than seventy-five in number.

Sec. 4. That the active members who shall have served therein for one year, shall be exempt from service as jurymen, except in capital cases.

Sec. 5. That neither the company nor its members shall be liable in damages, or otherwise, for property destroyed or injured by the company, while in the discharge of their duties as firemen; provided, they shall exercise proper care in the discharge of their duties.

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Sec. 6. That this act take effect from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXIV.

An Act for the relief of the Estate of John T. Storey.

Whereas, On the 12th day of March, A. D. 1853, by virtue of land warrant No. 1176, issued by the Adjutant General on the 7th day of December, A. D. 1852, the Commissioner of the General Land Office issued a patent to the heirs of Francis Castillo for twelve hundred and forty (1240) acres of land in Caldwell county, Texas, which said certificate or warrant was duly assigned and transferred to said Storey; and

Wher[e]as, Afterward it was decided by the proper courts of this State, in case No. 2979 on the docket of the Supreme Court of Texas, that 448 acres of said land so patented was in fact not subject to location, having been previously patented to one Gideon Pace; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of this State be and he is hereby required to issue a land certificate to the estate of said John T. Storey for four hundred and forty-eight (448) acres of land, and which said certificate may be located upon any unappropriated public domain of this State.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the seventh day of

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May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXV.

An Act for the relief of Michael B. Boteham.

Section 1. Be it enacted by the Legislature of the State of Texas, That, whereas, on the 5th day of June, A. D. 1841, a patent was issued from the General Land Office of the Republic of Texas to one William Morrison for what purported to be one thousand four hundred and seventy-six (1476) acres of land; and

Whereas, It appears by actual survey that said patent only contains one thousand one hundred and forty-four and $\frac{58}{100}$ acres, instead of one thousand four hundred and seventy-six acres; and

Whereas, Michael B. Boteham is, by regular transfer and assignment, the legal and equitable owner of all the rights of the said Morrison to the balance of the one thousand four hundred and seventy-six (1476) acres; therefore,

Sec. 2. Be it further enacted, That the Commissioner of the General Land Office of the State of Texas be and he is hereby required to issue a headright land certificate to Michael B. Boteham, as assignee aforesaid, for three hundred and thirty-one and $\frac{48}{100}$ acres of land.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed May 6, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the ninth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXXVI.

An Act to prohibit the sale of Intoxicating or Spirituous Liquors within two miles of the Institution of Learning situated at Woods, in Panola County, Texas.

Section 6. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person to sell or give away any intoxicating or spirituous liquors within two miles of the institution of learning situated at Woods, in Panola county, Texas, except for medicinal or sacramental purposes.

Sec. 2. That any person violating the provisions of section one of this act shall, on conviction before any court of competent jurisdiction, be subject to a fine of not less than ten nor more than fifty dollars for each and every such offense.

Sec. 3. That in order to make the sale of intoxicating or spirituous liquors for medicinal purposes legal within the limits mentioned in section one of this act, that it shall be necessary for the person making such sale to demand and receive from the person to whom such sale is made, a written prescription from a practicing physician, which written prescription shall be accompanied by a certificate on honor from such physician that the liquor mentioned therein is for medicinal purposes.

Sec. 4. That this act take effect and be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the tenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXXVII.

An Act for the relief of A. S. Thurmond.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized to issue to A. S. Thurmond a patent to forty-five $\frac{14}{100}$ acres of land, embracing what is known as the Shell Bank, in the county of Nueces, as heretofore bounded, according to the field notes on file in said General Land Office, of the survey made in the year one thousand eight hundred and sixty; and that this act shall take effect from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXVIII.

An Act for the relief of the Heirs of Charles Forrister.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the General Land Office be and he is hereby authorized to issue one bounty warrant to the heirs of Charles Forrister for six hundred and forty acres of land for services rendered by said Forrister as a soldier in the battle of San Jacinto, and one headright certificate for one-third ($\frac{1}{3}$) of a league as an actual settler in the Republic of Texas, no such warrant or certificate having ever been issued as provided by law.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 6th, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXIX.

An Act to prohibit the sale of intoxicataing Liquors within two miles of Cotton Gin Seminary, Freestone County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person, with or without license, to sell, give away, or in any manner dispose of any intoxicating or spirituous liquors, except for medicinal or sacramental purposes, within the distance of two miles of "Cotton Gin Seminary," in Freestone county, Texas.

Sec. 2. That any person violating this act shall, on conviction thereof before any justice of the peace of said county, be fined in a sum of not less than ten nor more than one hundred dollars, for each and every offense.

Sec. 3. That one-half of any fine thus collected shall go to the informer, and the other half shall be paid into the common school fund of the county.

Sec. 4. That this act take effect and remain in force as long as said seminary shall remain an organized institution of learning, and shall maintain the same during the usual scholastic months of any one scholastic year.

Sec. 5. That this act take effect and be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the ninth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXXX.

An Act to be entitled An Act to prevent the gift or sale of Intoxicating Liquors within two miles of Garden Valley Seminary, in Smith County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful hereafter for any person or persons to dispose of any spiritous or intoxicating liquors, by gift, sale or otherwise, either with or without license, except for medicinal or sacramental purposes, within two miles of "Garden Valley Seminary;" and any person or persons violating the provisions of this act shall, upon conviction thereof before any court of competent jurisdiction, be fined in a sum of not less than twenty-five nor more than one hundred dollars for each and every such offense, one-half the fine to go to the informant and the other half to be paid over to the trustees of said "Garden Valley Seminary" for the benefit of the school.

Sec. 2. That this act take effect and continue in force as long as said seminary shall be conducted as an institution of learning under the provisions of its charter.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXXI.

An Act to Prohibit the Sale of Spiritous Liquors Within two miles of Pattonville, in Lamar County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons, or firm, to sell, or otherwise dispose of vinous,

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spirituous or other intoxicating liquors within two miles of the town of Pattonville, in Lamar county, Texas, or within two miles of any of the schools at or near said town.

Sec. 2. Any person or persons who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor; and every such person so offending, shall for each and every such offense, upon conviction, be fined in a sum not less than ten nor more than one hundred dollars.

Sec. 3. This act shall take effect and be in force from its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the seventh day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXXII.

An Act to Prohibit the Sale of Spiritous Liquors within six miles of Davilla Institute, in the County of Milam, except for medicinal or sacramental purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person or firms shall, within six miles of an institution of learning, at Davilla, in Milam county, in this State, known as "Davilla Institute," sell, exchange, barter or give away any spirituous, vinous or intoxicating liqu[o]rs, under the name of bitters, or any other name; provided, the same shall be intoxicating, or contain intoxicating liquor; except for medicinal or sacramental purposes, in any quantities whatever, such person or persons shall, upon conviction thereof, be declared guilty of a misdemeanor, and fined in any sum not exceeding one hundred dollars, for each and every offense, and the jury may, at their discretion, add confinement in the county jail not exceeding thirty days. And it shall

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not be necessary, in prosecutions under the provisions of this act, for the State to prove that the spirituous liquors sold, exchanged, bartered or given away, were not for medicinal or sacramental purposes; and that this act take effect from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXXIII.

An Act to authorize the Commissioner of the General Land Office to issue a Patent to four millions eight hundred and forty thousand square varas of land, located in San Augustine County, by virtue of the grant of land made to John B. Dillard, on the 12th day of December, 1835, and to validate the said survey.

Section 1. Be it enacted by the Legislature of the State of Texas, That the survey of four millions eight hundred and forty thousand square varas of land, made in the county of San Augustine, by virtue of a grant to John B. Dillard, be and the same is hereby validated, and the Commissioner of the General Land Office is hereby authorized and required to issue a patent on the same to John B. Dillard, or his assigns.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXXXIV.

An Act to prohibit the sale of Intoxicating or Spirituous Liquors within three miles of the Institution of Learning Situated near Mt. Enterprise, in Rusk County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or firm to sell or give away any intoxicating or spirituous liquors within three miles of the institution of learning situated near the town of Mt. Enterprise, in Rusk county, Texas, except for medicinal or sacramental purposes.

Sec. 2. That any persons violating the provisions of section one of this act, shall, on conviction before any court of competent jurisdiction, be subject to a fine of not less than ten, nor more than fifty dollars, for each and every such offense.

Sec. 3. That in order to make the sale of intoxicating or spirituous liquors for medicinal purposes legal within the limits mentioned in section one of this act, that it shall be necessary for the person making such sale to demand and receive from the person to whom such sale is made, a written prescription from a practicing physician; which written prescription shall be accompanied by a written certificate on honor from such physician that the liquor mentioned therein is for medicinal or sacramental purposes.

Sec. 4. That this act take effect and be in for[c]e from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXXXV.

An Act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant Lands to aid in the construction thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thompson Camp, A. W. Ferguson, James P. Douglas, J. S. Porter, F. Ende, R. A. King, J. E. Ellis, W. H. Swift, H. B. Simonds, Thos. M. Cain and James H. Jones, be and are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation hereby created, to be styled the "Sherman, Tyler and Henderson Railway Company."

Sec. 2. That a majority of the commissioners shall constitute a board for the transaction of business, and shall hold meetings from time to time, until directors shall be elected, as provided hereinafter.

Sec. 3. That at the time of subscribing to the stock of this company, five per centum of the amount subscribed shall be paid in, unless otherwise provided by the commissioners or directors.

Sec. 4. That the subscribers to the capital stock of this company are hereby created and established a body corporate and politic, under the name and style of the Sherman, Tyler and Henderson Railway Company; with capacity to contract; to sue and be sued; to plead and be impleaded; to have succession and a common seal; to grant and receive; to hold and alienate real estate that may be neecssary for the purposes of operating their road; to make and enforce by-laws, and to do and perform all things necessary and proper to maintain their rights under this act.

Sec. 5. The capital stock of this company shall not exceed three millions of dollars, to be divided into shares of one hundred dollars each; each share to entitle its holder and owner to one vote in all meetings or elections of the stockholders; and a majority of the stock shall govern, except in cases otherwise specially provided for. The said shares of stock shall be deemed personal property, transferable only on the books of the company.

Sec. 6. The direction and control of said corporation and its affairs shall be vested in a board of not less than seven nor more than nine directors, to be chosen by the

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stockholders at an annual meeting, the first of which shall be held at the city of Sherman whenever one hundred thousand dollars shall have been subscribed, and five per cent. thereof paid in to the aforesaid commissioners.

Sec. 7. The majority of the directors shall constitute a quorum to do business, and at their first meeting they shall elect one of their number president and one vice-president. The board shall appoint a secretary and treasurer, and other officers requisite to carry one the business of the company.

Sec. 8. The said company, when duly organized, shall be, and is hereby invested with the right of locating, constructing, owning, operating and maintaining a railway, commencing at the city of Sherman; thence to Kentuckytown, in Grayson county, and establish and maintain a passenger and freight depot within one-half mile of the center of the business part of said town; provided, said town shall furnish sufficient ground for a depot, switches, turnouts, and right of way, not to exceed fifteen acres; and running within one mile of the court house of the town of Greenville, and within one-half mile of said court house in the town of Greenville; provided, the citizens of said town shall donate the necessary lands for depot purposes; and thence to the city of Tyler, and within one mile of the court house of Emory, in Raines county, or within one-half mile of said court house; provided, the citizens will furnish suitable depot grounds; thence to the town of Henderson; provided, that the freight and passenger depots of said road shall be within a mile of the court houses at Sherman, Greenville, Tyler and Henderson, and other county towns through which it may pass.

Sec. 9. Any agreement in writing to subscribe for stock may be enforced according to the terms of subscription; and unless payment be made according to the terms of subscription, the directors, after thirty days notice, may sell said delinquent stock, and transfer the shares of said delinquent to the purchaser.

Sec. 10. It shall be lawful for said company to enter upon, purchase, or otherwise receive, take, hold or obtain, any lands for the purpose of locating, constructing and maintaining said railway, with all the necessary turnouts, sidings, switches, extensions and buildings connected with said railway. When land cannot be obtained by agreement with the owner or owners thereof, they shall pay

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such compensation as shall be determined in the manner hereinafter set forth; provided, that the land taken for this railway shall not exceed two hundred feet in width, unless for the depots and buildings, and during the construction of said railway.

Sec. 11. This company shall not enter upon, except for a lineal survey, any real estate whatever, the same being private property, for the purpose of taking and condemning the same for any purpose that may be authorized by its charter, until the said company shall agree with and pay the owner thereof all damages that may be caused to the lands and property of said owner by the condemnation of said real estate and property and by the construction of such road; provided, that if said company and said owner or owners cannot agree upon the damages, it shall be the duty of said company to state in writing the real estate and property sought to be condemned, the name of the owner, the object for which the same is sought to be condemned, and file the same with the presiding justice of the county in which said property is situated; and thereupon the presiding justice shall appoint three disinterested freeholders of said county as special commissioners to assess said damages, giving preference to those that may be agreed on between said company and said owners; and it shall be the duty of said commissioners, when sworn by the presiding justice, to assess said damages, taking as the rule of assessment the damages so done the real estate and property of said owner by the construction of said railroad, and by the condemning of said real estate and property for the use aforesaid; and the said commissioners shall proceed in the discharge of said duty in thee manner and form prescribed by the general railroad laws of this State; provided, that said company shall have the right to condemn and take, upon payment of due compensation, all lands for the location and construction of said railway, with all the necessary turnouts, sidings, switches, extensions and buildings connected with said railway.

Sec. 12. That the said railway company shall have the right to construct their railway across all public highways and all railroads that it may be necessary to cross to establish said railway. And if said railway crosses any stream that is navigable, when crossed, by steam, it

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shall cross in such manner as not unnecessarily to impede navigation.

Sec. 13. That said company shall have the power to borrow money, issue bonds or other bills of credit, with or without mortgage; provided, it is done in conformity to a vote of two-thirds of the directors, sanctioned by stockholders representing a majority of the stock of the company, at an annual or called meeting, and if at the latter, after thirty days' notice thereof; and generally this company shall have all power requisite to carry into successful effect its herein declared objects.

Sec. 14. That the first meeting of this company shall be called in the city of Sherman whenever one hundred thousand dollars of the capital stock shall have been subscribed, by giving thirty days public notice in at least two newspapers published in the counties through which this railway shall pass; and the stockholders shall then proceed to elect directors, who shall hold office until the annual election, which shall take place at the company's principal office, on the first Tuesday in December of each year; should a majority of the stock be represented, the election shall proceed; if not, the directors shall appoint another day, within thirty days thereafter, and an election on that day shall be valid. Directors elected under the provisions hereof shall hold their office for one year, or until their successors be chosen and are qualified. No person shall be a director who is not the owner of at least ten shares of the stock of this company.

Sec. 15. That this charter shall remain in force for a period of sixty years from the date of the completion of said railway, and this incorporation shall be subject to all laws that are now in force, or that may hereafter be enacted by the Legislature, regulating railroads and railroad companies.

Sec. 16. That there be and hereby is granted to the Sherman, Tyler and Henderson Railway Company, for the purpose of aiding in the construction of said railway, sixteen sections of land, of six hundred and forty acres each, for every mile of railway said company shall construct, equip and finish, in the manner hereinafter mentioned. And whenever said Sherman, Tyler and Henderson Railway Company shall have ten consecutive miles of its railway ready for service, and upon the completion of each additional ten consecutive miles of its railway,

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the Governor of the State of Texas shall appoint some competent person to inspect the same; and if the report of said inspector shall be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be to immediately issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of road completed; said company to designate and cause said land to be surveyed in the manner now prescribed by general law, in alternate sections; and upon the return of field notes and maps of surveys, made by virtue of said certificates, in accordance with law, the Commissioner of the General Land Office shall issue patents thereon, conveying the odd sections to the company, the even sections thereof being reserved to the State for the school fund; provided, that in no case shall the State be in any way liable for deficiency of vacant domain.

Sec. 17. That the lands herein donated to said company shall be alienated as follows: One-fourth thereof in eight years from and after the passage of this act; one-fourth in twelve years; one-fourth in sixteen years; and one-fourth in twenty years; so that the whole of the land herein donated to said company shall pass from the possession of said company; and that said lands shall be sold to no other corporation, nor to any person owning stock in this company, nor to any person, firm or company in trust for said company; and on failure to comply with, or any violations of the provisions of this act, said company shall forfeit all rights to land secured by this act not alienated as required by law.

Sec. 18. That this railway shall be constructed of a width of gauge of not less than four feet eight and one-half inches. Said railway shall be substantially built, and fully equipped for passenger travel and for carrying freight.

Sec. 19. That this company shall have the power to charge and collect such rates of freight, and such rates of passage, as the company may deem just and proper; provided, however, such charges do not exceed the charges legally established on other Texas railways; and shall be and remain subject to control and regulation by the Legislature, in reference to its charges for freight and passenger fare, as well as to its conduct as a common carrier; provided, further, that the said company shall not

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have the right to sell, rent, lease or consolidate with any parallel or competing railroads in this State; and any violation of the foregoing provisions of this section shall work a forfeiture of all rights secured by this act.

Sec. 20. The organization of this company shall be perfected within six months from the date of the passage of this act; and twenty miles shall be completed within two years, and twenty miles each year thereafter, or this charter shall be forfeited as to that portion not built.

Sec. 21. That the said company are authorized to solicit and receive donations in land, money, bonds or other property, either from individuals, counties, or other corporations; and under any laws now in force, or hereafter passed, they are authorized to apply, if deemed by them necessary, to the counties of the State situated on the route of said railway, for aid by gift or loan, in money or bonds, or by subscription to the capital stock of said company.

Sec. 22. That the said company shall be authorized to begin the work of constructing its road at either terminus of its line, or at any point where it may cross the line of any other railroad. That this charter shall remain in force for the term of sixty years, and no longer.

Sec. 23. That this act take effect and be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the nineteenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXXVI.

An Act to authorize the County Court of Bell County to issue interest-bearing Bonds, and levy and collect a special Tax for the payment of the same, for building a Jail and Poor House in said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Bell county

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is hereby authorized and empowered to issue bonds to the amount of ten thousand dollars, to be made payable in ten years from date of issuance, to bear ten per cent interest from date until paid; said bonds shall be printed, with coupons attached for each year's interest thereon, and shall be issued in sums not less than fifty nor more than five hundred dollars, and shall be made payable to bearer on the first and second days of January per annum thereafter. Said bonds shall be issued in open court, at some regular term thereof, and shall be sealed with the county seal, and signed by the presiding justice and the clerk of the court, and the order of their issuance recorded in the minutes of the court, and said order shall show the number, amount and to whom issued, and date; and said bonds shall show on their face, that they are issued by authority of law, the date of the act, the purpose for which issued, the name of the person to whom issued, the number, amount, date; and after being sealed and signed as above required, shall be endorsed by three members of the court present at the time of issuance; said endorsement shall be upon the back of the bonds, and dated, bearing even date with the face of the bonds and minutes of the court.

Sec. 2. Before the delivery of any bond to any holder, signed and attested as above required, the county court shall levy and order the collection of a poll tax of fifty cents on every male inhabitant of the said county over the age of twenty-one and under the age of sixty years; and, in addition, a levy on all the real and personal property in the county sufficient to pay the interest and ten per cent of the principal of the bonds; and the funds so levied and collected shall be strictly applied to the payment of the interest and principal of said bonds, and shall not be used for any other purpose; and there shall be an annual levy and collection of said tax until the principal and interest of said bonds are paid.

Sec. 3. Said bonds shall be registered for payment in the district clerk's office three months before they fall due, and on the first and second days of January of every year thereafter; and on said days the county treasurer shall, at the court house, proceed to pay off the bonds of the oldest date registered, until the funds in his hand for that purpose are exhausted, or all the registered bonds paid; and the funds used by the treasurer shall be the

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ten per cent. sinking fund, and any other moneys placed in his hands for that purpose by order of the court; and after all the registered bonds are paid, and there remain any moneys in the treasurer's hands belonging to said fund, it shall be paid out on the matured coupons, as hereafter directed.

Sec. 4. The coupons shall be paid by the county treasurer out of the funds collected and placed in his hands for that purpose, on the first Monday in every month of the year after said coupons fall due; said coupons shall be registered for payment with the county treasurer prior to the day of payment; and on that day the treasurer shall pay off the coupons bearing the oldest date, registered first, until the funds for that purpose are exhausted, or all the registered coupons are paid; and when any of the bonds or coupons are paid by the treasurer they shall be brought into court, and there canceled by being marked paid, and officially signed by the treasurer and presiding justice, and filed by the clerk of the court, and a minute made of the payment, and recorded, showing the number, date, amount of the bond or coupon paid.

Sec. 5. All the laws in force in relation to officers in the levying and collection of taxes, shall apply in this act. And the sheriff shall pay over all the funds collected by him under this act to the county treasurer every two months after he shall commence the collection of the same; and the sheriff and county treasurer shall give additional bonds for the faithful performance of the duties imposed by this act, in such sums as the county court may deem proper.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the tenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXXXVII.

An Act to authorize the Police Court of Denton County to levy a special Tax to build a Court House.

Section 1. Be it enacted by the Legislature of the State of Texas, be and they are hereby authorized to levy a special ad valorem tax, on all taxable property in said county, of one-half of one per cent., and a special poll tax of fifty cents on each voter in said county, for the years 1873 and 1874, for the purpose of building a court house in the town of Denton, which tax shall be assessed and collected by the officers at the same time and in the same manner as other taxes are collected.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the ninth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.

CHAPTER CXXXVIII.

An Act to authorize the County Court of Comanche County to issue Bonds in the name of said County, for the purpose of erecting Public Buildings, and to fund the present indebtedness of said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the county of Comanche be and is hereby empowered to authorize the issuance of bonds, in the name of said county, to the amount of twenty thousand dollars, for the purpose of erecting a court house and jail, and to fund the present indebtedness of said county.

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Sec. 2. That said bonds shall be for sums of not less than twenty-five, and not more than one hundred dollars, to be payable in five and ten years; ten thousand dollars worth of said bonds payable in five years, and ten thousand dollars payable in ten years from the date of the issuance thereof, with ten per cent. interest coupon attachments, payable annually.

Sec. 3. That said bonds, when issued, shall not be sold for less than ninety per cent. of their face value; and the coupons, as they fall due, shall be paid out of the fund raised for purpose.

Sec. 4. That the County Court of said county is hereby authorized to levy an extra special tax on all property in said county, real, personal and mixed, to create a sinking fund to pay off the interest and principal upon said bonds as it shall fall due; provided, the extra special tax hereby authorized to be levied shall not exceed one-half of one per cent. of the State ad valorem tax made under the laws for State purposes.

Sec. 5. That this act shall be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas, for his approval, on the tenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXXXIX.

An Act to authorize the Police Court of Ellis County to levy a Special Tax for the purpose of building a Jail.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of Ellis county be authorized and empowered to levy and collect a special tax upon all the property in said county taxed by the State, sufficient to raise the sum of twenty thousand dollars, or so much thereof as may be necessary, to be applied to the purpose of building a jail in said county.

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Sec. 2. Provided, no more than one-eighth of one per cent. ad valorem shall be levied in any one year; but the court may make other levies from year to year until said sum of twenty thousand dollars is collected.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXL.

An Act to incorporate the Bastrop Turn Verein.

Section 1. Be it enacted by the Legislature of the State of Texas, That Edward Bastian, Louis Eilers, Th. A. Hasler, Chas. Wertzner, J. Duve, T. W. Hoppe and Joseph Kirsch, together with their associates, be and they are hereby constituted a body politic and corporate, for gymnastic, social and educational purposes, under the name and style of "Bastrop Turn Verein;" and by that name shall have succession, and be capable of suing and being sued, of defending and being defended, in any of the courts in this State; of acquiring and holding estate, real, personal and mixed, and of incumbering, selling, or otherwise alienating the same, as said association may deem expedient; provided, the amount of property held by said association shall at no time exceed ten thousand dollars.

Sec. 2. That the said corporation shall not be liable to pay any tax, either State, county, or municipal.

Sec. 3. That said association shall have power to enact rules and regulations for its government, not inconsistent with the laws of this State, and to alter the same, and shall have a seal for the authentication of its acts.

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Sec. 4. That this act take effect from and after its passage, and remain in force twenty-five years.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the seventh day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXLI.

An Act to validate the Municipal Election held in the Town of Crockett, County of Houston, on the fifth, sixth, seventh and eighth days of November, A. D. 1872.

Section 1. Be it enacted by the Legislature of the State of Texas, That the election held in the town of Crockett, on the fifth, sixth, seventh and eighth days of November, A. D. 1872, for the following municipal officers, mayor, board of aldermen, and town marshal, be and the same is hereby declared valid, to all legal intents and purposes.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 6th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXLII.

An Act granting a Charter to James A. Mitcham and H. L. Gilmore to erect, keep and run a Ferry-boat at New Bazette Landing or Crossing, on the Trinity River, in Henderson County and Navarro County.

Section 1. Be it enacted by the Legislature of the State of Texas, That James A. Mitcham, of the county of Henderson, and H. L. Gilmore, of the county of Ellis, are hereby authorized to keep and run a ferry-boat at New Bazette, on the Trinity river, about three miles below Old Bazette, in Navarro county.

Sec. 2. That the said James A. Mitcham and H. L. Gilmore shall be subject to the general laws of the State of Texas governing the establishment of ferries.

Sec. 3. That there shall not be established any other ferry, or other ferry-boat kept or run for public use, within six miles above or three and one-half miles below said ferry established by this act (on straight lines by general course of said river), except for private use, after said ferry-boat shall be in running order; and the said Mitcham and Gilmore shall establish and have a good and substantial ferry-boat completed and in running order within three months from the passage of this act, and shall then be ready at all times to convey passengers and property of every description, and shall be responsible, as common carriers, for the same, except at such stages of the water in said Trinity river as, in the opinion of the ferryman in charge, it would be hazardous to cross said river, and in such event he shall not be compelled to cross or run his ferry-boat.

Sec. 4. That the said James A. Mitcham and H. L. Gilmore, their agent or attorney, shall be entitled to collect and receive the following tolls, to-wit: For wagon or any other vehicle drawn by four horses, or mules, or oxen, seventy-five cents; and ten cents for each pair of horses, mules, or oxen, in said team, over the first number named; for each two horse wagon, or vehicle drawn by two horses, mules, oxen, or other animals, the sum of fifty cents; for one horse wagon, buggy, or cart, the sum of thirty cents; for each man and horse, the sum of fifteen cents; for

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each footman, five cents; for each loose horse, mule, jack, jennet, ox, or cow, the sum of five cents; for animals in drove or herd, of the stock kind, the sum of three cents each; for hogs, sheep and goats, the sum of two cents per head. And other species of stock or property crossed at this ferry, and not enumerated above, a ferriage fee in proportion as above.

Sec. 5. Any person willfully damaging said ferry-boat, its tackle, paraphernalia, or anything appertaining to said boat, its landing banks or crossings, shall be fined in double the amount of the damages proven, upon conviction, and same recoverable before any court of competent jurisdiction, and the same be due and payable to the party injured; and the said fine and costs to be collected as other fines are.

Sec. 6. That this charter shall be in force for the period of fifteen years from and after the passage of this act; provided, that said ferry shall be kept in good repair and condition to serve and answer for public use, otherwise this charter shall be null and void.

Sec. 7. That an act granting a charter to Jas. A. Mitcham, of Henderson county (same named in the caption of this act), to keep and run a ferry at Bazette landing, on the Trinity river, approved April 12th, 1871, be and the same is hereby repealed.

Sec. 8. That this act shall take effect and be in force from and after its passage.

Passed May 7th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the fifteenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXLIII.

An Act to prohibit the sale of intoxicating, spirituous or vinous Liquors within three (3) miles of Roxton Chapel and Seminary, in Lamar County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons to dispose of any intoxicating, spirituous or vinous liquors, by sale or otherwise, except for medicinal or sacramental purposes, within three (3) miles of Roxton Chapel and Seminary, in Lamar county.

Sec. 2. That any person or persons violating the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars for each and every offense.

Sec. 3. That this act take effect and be in force sixty days after its passage.

Passed May 7th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the twelfth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXLIV.

An Act to amend Sections Seven, Ten and Twenty of an Act entitled "An Act to incorporate the Tyler Tap Railroad Company," approved December 1st, 1871, and to grant Lands to said Company to aid in the construction of its Road.

Section 1. Be it enacted by the Legislature of the State of Texas, That section seven of an act entitled "An act to incorporate the Tyler Tap Railroad Company," approved December 1st, 1871, shall be so amended as to hereafter read as follows: The capital stock of this com-

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pany shall not be greater than three millions of dollars, to be divided into shares of fifty dollars each, each share to entitle the holder and owner to one vote in each and every meeting of the stockholders of said company, and at each election by the same; and a majority of the stock shall govern, except in matters otherwise provided. The said shares of stock shall be deemed personal property, and shall be transferable only on the books of the company.

Sec. 2. That section ten of the said act to incorporate the Tyler Tap Railroad Company, shall be so amended as to hereafter read as follows: The said company is hereby invested with the rights of locating, constructing, owning, operating and maintaining a continuous line of railway, with a single or double track, as well as a telegraph line, from the said town of Tyler, in Smith county, by way of the towns of Gilmer and Pittsburg, in Upshur county, Mt. Pleasant, in Titus county, to Clarksville, in Red River county, with the privilege of extending said road northward, from Clarksville to the Red River, to connect with any railroad entering Texas from the North; provided, that said extension beyond Clarksville shall not be more than thirty miles; provided further, that freight and passenger depots shall be established within one-half mile of the court houses in the towns of Tyler, Gilmer, Mt. Pleasant and Clarksville, and within one-half mile of the center of the town of Pittsburg; and if the line of said Tyler Tap road passes within five miles of the town of Longview, then said road shall pass through said town and establish freight and passenger depots within one-half mile of the business portion of the same, upon condition that said towns shall donate to said company the right of way (sixty feet wide) along the line of its survey through said towns, and necessary depot grounds. That the said company shall be invested with the right of constructing such sidings, turnouts, depots, station houses, machine shops, wells, water tanks, and other buildings and works, as are incident to the construction and operation of its road.

Sec. 3. That section twenty of said act to incorporate the said Tyler Tap Railroad Company, shall be so amended as to hereafter read as follows: This company shall complete at least twenty miles of its road by the first day of May, A. D. 1875, and twenty miles each year thereafter, or forfeit the right to the unfinished part of its route.

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Sec. 4. That for the purpose of aiding in and securing the construction of the Tyler Tap Railroad, there shall be, and there is hereby granted out of the unreserved vacant and unappropriated lands of the State of Texas, sixteen sections, of six hundred and forty acres each, for each mile of railroad which the said Tyler Tap Railroad Company shall construct and put in good running order; provided, that the State shall in no case be liable for any deficiency of the public domain; provided further, that the gauge of said road shall not be less than four feet eight and one-half inches.

Sec. 5. That whenever the said Tyler Tap Railroad Company shall have completed ten miles of its road, and upon the completion of each additional ten miles, the Governor of the State of Texas shall, upon application, appoint some competent person to inspect the same; and if the report of the inspector, under oath, shall be favorable, the Governor shall immediately inform the Commissioner of the General Land Office, whose duty it shall be to issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of road so completed and inspected. That the said railroad company shall be authorized to locate, and have surveyed and patented, any of the vacant, unreserved and unappropriated lands of the State, by virtue of said certificates. Said surveys to be made in alternate sections, or half sections, as now prescribed by general law.

Sec. 6. That the lands herein granted to the said company shall be alienated as follows One-fourth thereof in eight years from the issuance of said land certificates; one-fourth in twelve years; one-fourth in sixteen years; and one-fourth in twenty years; so that the whole of the lands herein granted to said company shall pass from its possession in twenty years; provided, that the said company shall not transfer the said lands to any other railroad corporation, or to any person owning stock in this company; provided further, that the said company shall not have the right to sell, rent, lease, or consolidate with any parallel or competing railroads in this State, and shall be subjected to all laws that are now, or may hereafter be enacted by the Legislature, regulating railroads or railroad companies; provided, that the State expressly reserves the right to regulate the charges for freight and passage over said road.

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Sec. 7. This act shall take effect and be in force from and after its passage.

Passed May 7th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the fifteenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed bv the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXLV.

An Act to validate Bounty Land Warrant issued to John B. Fox.

Section 1. Be it enacted by the Legislature of the State of Texas, That he bounty land warrant number two hundred and sixty-two, for six hundred and forty acres of land, issued to John B. Fox, on the 13th day of November, A. D. 1837, by the Secretary of War of the Republic of Texas, Barnard E. Bee, at the city of Houston, and which said bounty warrant has never been approved by the Commissioner of Claims, be and the same is hereby declared approved and validated, and entitled to be located and surveyed on any of the public domain of the State of Texas, and when so located and surveyed, the Commissioner of the General Land Office is hereby required to patent same.

Sec. 2. That this act be in force from and after its passage.

Passed May 7th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas, for his approval, on the tenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXLVI.

An Act to incorporate the Town of Jacksonville in Cherokee County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Jacksonville in the county of Cherokee, be and they are hereby declared a body corporate, by the name and style of the town of Jacksonville; and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate.

Sec. 2. That the bounds and limits of said corporation shall include one mile square, to be run with the cardinal points of the compass, of which the station house of the International Railroad in said town, shall be the centre.

Sec. 3. That no person shall be eligible to office in said corporation, unless such person shall be a qualified voter in said corporation, and unless he shall have resided in the State for twelve months, and in said corporation for three months.

Sec. 4. That the qualified voters of said corporation shall elect a mayor and six aldermen, who shall hold their offices for the term of two years, and until their successors shall be be elected and qualified.

Sec. 5. That there shall be a marshal, treasurer, recorder and attorney for said corporation, who shall hold their offices for the term of one year, and until their successors shall be appointed and qualified; and said officers shall be appointed at a regular meeting of the board of aldermen, by the nomination of the mayor, and vote of two-thirds of the aldermen present; said appointments shall be made as soon as practicable after the aldermen shall have received their certificates of election; and such other officers may be appointed, from time to time, under the requirements of this act, as the board of aldermen shall deem necessary and provide by ordinances.

Sec. 6. That elections for mayor and aldermen shall be held in the town of Jacksonville, at such times and places as the board of aldermen may designate; and said board shall appoint judges of such elections, who shall take an oath to faithfully and impartially discharge their duties; they shall open the polls at ten o'clock A. M. and close the same at five o'clock P. M. on the day of

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election; and shall within twenty-four hours thereafter make returns of said elections to the mayor, or in case of his absence, or inability to act, or a vacancy in his office, then to the recorder and board of aldermen, whose duty it shall be to open such returns and to determine the result of the elections, and immediately issue certificates thereof to the persons elected.

Sec. 7. That whenever an election for mayor shall be contested, the board of aldermen shall determine such contest.

Sec. 8. That in case of vacancy in the office of mayor, the board of aldermen shall order an election for mayor to fill the unexpired term, and such election shall be held as provided in this act for regular elections for mayor and aldermen; and in case of vacancy in the office of alderman, marshal, treasurer, recorder or attorney, such vacancy shall be filled at a regular meeting of the board of aldermen, by the nomination of the mayor, and vote of two-thirds of the aldermen present; and the person so appointed shall hold his office for the unexpired term.

Sec. 9. In case of the temporary absence of the mayor. the board of aldermen shall have the power to appoint one of their number to act as mayor pro tem., who shall have the same powers and privileges as the mayor elected; and such appointment shall expire on the return of the mayor.

Sec. 10. That the mayor, when present, shall preside over the board of aldermen, and in case of a tie in the vote of the board, shall give the casting vote; and four of the aldermen, either with or without the mayor, shall constitute a quorum for the transaction of business.

Sec. 11. That the mayor, marshal, treasurer, recorder, and attorney of said corporation, may be removed from office for any neglect, misdemeanor or malfeasance in office, by a vote of two-thirds of the aldermen at a regular meeting of the board.

Sec. 12. That the mayor and board of aldermen shall have the power to enact such by-laws and ordinances for the government of said corporation, and for the quiet, peace and happiness of the citizens of the same, not inconsistent with the Constitution and laws of the State, as may be deemed proper, and may impose fines for the violation of the same, not to exceed one hundred dollars in any one case.

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Sec. 13. That the mayor and board of aldermen shall have and exercise control over the public square, streets and roads within said corporation.

Sec. 14. That the board of aldermen shall have the power to levy and provide for the collection of an ad valorem tax on property situate in said corporation, taxable by the general laws of the State; and also the power to levy and collect a poll tax of one dollar each on all male citizens of said corporation, over the age of twenty-one years; which said taxes shall be collected in such manner as may be provided by the by-laws of such corporation; provided, said ad valorem tax shall not exceed one-half of one per centum on the value of the property taxed, and that it shall require the vote of two-thirds of the members of the board to levy such tax, and the same shall be done at a regular meeting of the board.

Sec. 15. That the board of aldermen shall have the power to license, tax and regulate hawkers, peddlers, auction, theatrical and other exhibitions, shows and amusements, billiard tables, nine or ten pin alleys, groceries, tippling or dramshops, occupation tax, and to determine the amount of tax on the same; and to suppress gaming or gambling houses, by whatever name or description known, and all disorderly houses.

Sec. 16. That all the officers of said corporation shall, before entering upon their duties, take and subscribe the oath prescribed by the Constitution; and that the mayor, marshal and treasurer shall also enter into bond, with two good sureties, to be approved by the board of aldermen, for the faithful performance of the duties of their offices, payable to said corporation in such sum as the board of aldermen shall require; which bonds shall not be void on the first recovery, but may be sued from time to time, in the name of any person injured by a breach thereof, until the whole of the penalty is recovered.

Sec. 17. That the fees of aldermen shall be two dollars each, for each and every regular meeting of the board of aldermen at which they may be in attendance; provided, that they shall not be entitled to charge for more than twelve meetings in any one year That the fees of the recorder shall be two dollars for each and every meeting of the board at which he may be in attendance. That the fees of the treasurer shall not exceed five

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per centum upon all moneys received by him, and the same upon all moneys paid out by him. That the corporation attorney shall be entitled to have and receive a tax fee of two dollars and fifty cents on each and every conviction under this act and the by-laws of said corporation, which fee the mayor shall include and tax in the bill of costs on said conviction; provided, that when any person shall have committed any offense against the laws of said corporation, and shall plead guilty of the same, said tax fee shall not be allowed and taxed; and the board of aldermen shall have the power to regulate the compensation of said officers of said corporation, not definitely fixed and provided for in this act.

Sec. 18. That in all prosecutions, trials and proceedings under this act and the by-laws of said corporation, the mayor shall have the power to call a jury in like manner as justices of the peace under the general laws of the State; and the mayor and marshal shall be governed by the laws regulating proceedings in the justices' courts in force at the time of said prosecutions, trials and proceedings, and shall be entitled to the same fees as justices of the peace and constables are then allowed for similar services.

Sec. 19. That the first election of officers under the provisions of this act shall be held on the first Monday in June, A. D. 1873, and the officers then elected shall be installed in office on the following Wednesday.

Sec. 20. That the justice of the peace of beat No. 3 of Cherokee county is hereby authorized and required to appoint three judges and two clerks, resident citizens and voters in said corporation, to hold the first election of officers as above provided; and said justice is further authorized to attend said election, and to administer the usual oath to the judges and clerks, in such cases, to faithfully and impartially conduct said election; and upon the report of said judges of election, to grant certificates of election to the persons elected, and also to administer the proper oath of office to said officers so elected.

Sec. 21. That said justice of the peace appointed as above to hold the first election, shall give due notice thereof to all the legal voters in said corporation, by publication or posting in writing at three conspicuous places in said town, for ten days preceding said election.

Sec. 22. That should said corporation fail to elect offi-

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cers at the proper time, and there should be no acting officers for said corporation, the same shall not be dissolved by reason thereof, but it shall be the duty of any justice of the peace in the county, on the petition of any fifteen residents of said corporation, to order an election for mayor and aldermen of the same; said election to be held as elections for justices of the peace. The certificates of election may be given by the justice ordering said election, to the persons elected, and the oaths of office administered by him at any time after the votes are counted; and said corporation thus named shall continue to exist and be perpetuated, in accordance with the provisions of this act.

Sec. 23. That this act shall take effect and be in force from and after its passage.

Passed May 7, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twelfth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXLVII.

An Act to prohibit the sale of intoxicating, spirituous or vinous Liquors within one and one-half (1½) miles of Sylvan Academy, in Lamar County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons to dispose of any intoxicating, spirituous or vinous liquors, by sale or otherwise, except for medicinal or sacramental purposes, within one and one-half (1½) miles of Sylvan Academy, in Lamar county.

Sec. 2. That any person or persons violating the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum not less than ten ($10) nor more than one hundred dollars for each and every offense.

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Sec. 7. That this act take effect and be in force sixty days after its passage.

Passed May 7, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twelfth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXLVIII.

An Act to amend section three (3) of an Act entitled "An Act to incorporate the Falls County Turnpike Road and Bridge Company," approved April 12th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section three (3) of an act entitled "An Act to incorporate the Falls County Turnpike Road and Bridge Company", approved April 12th, 1871, be and the same is hereby amended so as hereafter to read as follows, to-wit: "Sec. 3. That when said bridge shall be completed, the said company is authorized to demand and receive from each and every person crossing said bridge, or crossing their property over the same, a toll not exceeding the following rates, to-wit: For each wagon, cart, carriage or other vehicle drawn by more than two horses or other animals, twenty cents per wheel and five cents for each animal by which the same is drawn; and when the same is drawn by two animals or less, ten cents per wheel and five cents for each animal by which the same is drawn; for each animal and rider, ten cents; for each loose animal of the cattle kind, five cents; for each loose horse, mule, jack or jennet, five cents; for each foot passenger, five cents; and for each sheep, hog or goat, three cents."

Sec. 2. That all laws or parts of laws in conflict with the provisions of the first section of this act be and the same are hereby repealed, and that this act be in force and take effect from and after its passage.

Passed May 7th, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twelfth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXLIX.

An Act for the Relief of C. C. De Witt, and other persons therein named.

Whereas, J. Pinkney Henderson, Governor of the State of Texas, did, on the fourth day of October, 1847, and on the fifth day of October, 1847, grant to the heirs of Green De Witt, three several letters patent to the heirs of Green De Witt, one of the date first mentioned, and two of the date last mentioned, all covering an area of three leagues and three labors; and

Whereas, Said patents cover an older survey made under a valid Spanish grant; and

Whereas, C. C. De Witt is entitled to one-sixth of the certificate upon the location of which said patents were granted, as aforesaid; Evaleni Mason, to one-sixth; L. C. Jurey, to one-sixth; the heirs of Thomas J. Hardeman, junior, to one-eighteenth; Laura Burleson, to one-eighteenth; heirs of Sarah Jones, to one-eighteenth; Thomas N. Mathews to one-thirty-sixth; J. William Mathews, to one-thirty-sixth; N. Walter Mathews, to one-thirty-sixth; Susan A. Mathews, to one-thirty-sixth; Alvina F. Mason, to one-thirty-sixth; and James F. Miller, to one-thirty-sixth; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and directed, upon the delivery to him of the patents aforementioned, to cancel said patents and said certificates, upon the location of which said patents were granted as aforesaid, and to issue in lieu of said certificates other land certificates to each of the persons aforementioned, respectively, for an amount of land equal to the interest which each one owns and

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possesses in the certificate to be cancelled as aforesaid; the certificates to be issued as herein provided for, to be located upon any unlocated domain of the State of Texas, subject to location.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed May 7, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the ninth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CL.

An Act to incorporate the Pioneer Fire Company No. 1 of the City of Corpus Christi, State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. L. Rogers, Geo. T. Evans, Felix Noessel, Lyman D. Brewster, David Murphy, Ed. Buckley, James McKenzie and James Howell, of the county of Nueces, and State of Texas, their associates and successors, be and they are hereby created and constituted a body politic and corporate, under the name and style of the "Pioneer Fire Company No. 1 of Corpus Christi, Texas;" and by that name shall have succession, and may sue and be sued, plead and be impleaded, have and use a corporate seal, buy, sell and hold property, contract and be contracted with, and make all rules and by-laws necessary for their government, not inconsistent with the Constitution and laws of the United States or of this State.

Sec. 2. That said company shall have the authority and right, by their constitution, rules and by-laws, or either of them, to impose fines and penalties against members for neglect of duty and disobedience of orders,

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and to enforce payment of the same by suit before any justice of the peace, mayor or recorder within the city of Corpus Christi.

Sec. 3. That said company shall be composed of at least thirty-five active members, and shall not exceed one hundred in number, each one of whom, at their option, shall be exempt from serving on juries, except in capital cases.

Sec. 4. That neither the company, nor any of its members, shall be liable, in damages or otherwise, for property destroyed or injured by such company while engaged in the extinguishment of fires, or employed in the discharge of their duties as active firemen.

Sec. 5. That this act take effect from and after its passage.

Approved May 7th, 1873.

CHAPTER CLI.

An Act to authorize H. B. Boston, Alex Hamilton and R. B. Hudson to erect a Pontoon Bridge over the Guadalupe River in the County of De Witt, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. B. Boston, Alex. Hamilton and R. B. Hudson, be and they are hereby authorized and empowered to erect a pontoon bridge over the Guadalupe river at the town of Clinton, in De Witt county; and that they be authorized and empowered to charge, receive and collect toll for crossing on said pontoon bridge at the following rates, to-wit: For every footman, five cents; for man and horse, ten cents; for a one-horse vehicle, twenty cents; for a two-horse vehicle, twenty-five cents; for ox wagon and two yoke of oxen, thirty cents; for ox wagon and four to six yoke [of] oxen, fifty cents; for two-horse wagon, twenty-five cents; for four to six-horse wagon, fifty cents; for loose horses, five cents; for cattle, sheep, goats and hogs, per head, one cent; provided, however that citizens of DeWitt county, who have to cross the river to get to the court house, shall pass free of charge

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during the sessions of the District Court, when attending on court. The above rates to be doubled whenever the river rises beyond the limits of its banks.

Sec 2. That the rights and privileges herein granted shall inure to the benefit of the said H. B. Boston, A. Hamilton and R. B. Hudson, their heirs and assigns, for fifteen years; provided, however, that in order to secure the privileges conferred in this charter, they shall, within one year after the passage of this act, erect and construct a good, safe and substantial pontoon bridge over the said Guadalupe river at the place above designated, and shall keep the same in good repair; and in the event of any accident or casualty, destroying said pontoon bridge, the said H. B. Boston, A. Hamilton and R. B. Hudson shall rebuild the same in two months from the date of such accident or casualty; otherwise the franchise herein granted shall abate.

Sec. 3. That no other person or persons, or body corporate, shall have the right to construct a bridge across said river within one mile, either above or below said bridge, during the existence of said charter; provided, that the prohibition contained in this section shall not apply to the truss bridge, now being constructed across said Guadalupe river, by the Cuero Bridge Company, incorporated under the act concerning private corporations.

Sec. 4. That this act take effect and be in force from and after its passage.

Passed May 7th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twelfth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CLII.

An Act supplemental to an Act entitled "An Act reimbursing Bastrop County, and appropriating the sum of two hundred and twenty-five dollars for that purpose," approved March 20th, 1873.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts is hereby directed to draw his warrant in favor of the treasurer of Bastrop county for the amount specified in the act to which this act is supplemental, and the Treasurer of the State is directed to pay the same.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved May 14th, 1873.

CHAPTER CLIII.

An Act to amend the Seventh Section of an Act entitled "An Act to incorporate the City of Rockport," approved May 26th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the seventh section of the above recited act be so amended as to hereafter read as follows, to-wit:

That the mayor and city council shall have authority, within the corporate limits of the city, by ordinance:

First—To levy and collect taxes, not to exceed one-half of one per centum upon all property made taxable by law for State and county purposes; also, to levy and collect a tax upon all occupations, trades or professions, not to exceed one-half the amount allowed by law for State and county purposes; said taxes to be levied and collected in accordance with the laws of the State governing the levying and collection of taxes.

Second—To borrow money on the credit of the city; provided, the debt of the city for money so borrowed shall not exceed five thousand dollars.

Third—To appropriate money and to provide for the payment of the debt and expenses of the city.

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Fourth—To make regulations to prevent the introduction into the city of contagious diseases.

Fifth—To establish hospitals, and make regulations for the government thereof.

Sixth—To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

Seventh—To provide the city with water, and to erect hydrants, fire-plugs and pumps in the streets within or beyond the limits of the city, for the convenience of the inhahitants of the city and environs.

Eighth—To open, alter, abolish, widen, extend, grade, pave, or otherwise improve, clean and keep in repair, streets, lanes, avenues or alleys.

Ninth—To establish, erect and keep in repair, bridges, culverts and sewers, and regulate the use of the same; to establish, alter and change the channel of water courses, and to wall them up and cover them over.

Tenth—To provide for the lighting of the streets and erecting lamps thereon.

Eleventh—To establish, support and regulate night watch and patrols.

Twelfth—To erect market houses, establish markets and market places, and to provide for the government and regulation thereof.

Thirteenth—To provide for the erection of all needful buildings for the use of the city.

Fourteenth—To provide for the enclosing and improving of all public grounds belonging to the city.

Fifteenth—To license, tax and regulate auctions, grocers, merchants, retailers and taverns; and to license, tax and regulate ordinances, hawkers, peddlers, brokers, pawnbrokers, money changers and bakeries.

Sixteenth—To license, tax and regulate hacking [hackney] carriages, omnibuses, wagons, carts and drays; and to fix the rates to be charged for carriage of persons, and of wagonage, cartage and drayage of property.

Seventeenth—To license and regulate porters, and fix the rate of porterage.

Eighteenth—To license, tax and regulate theatrical and other exhibitions, shows and amusements.

Nineteenth—To license, tax and regulate billiard tables, tippling houses and dram shops, and to suppress gaming and gambling houses, and other disorderly houses, and to suppress bawdy houses.

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Twentieth—To provide for the prevention and extinguishment of fires, and organize and establish fire companies; to regulate the carrying on of manufactories dangerous in causing or producing fires; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same, and to compel any person or persons present to aid in the extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; to compel the owners of houses and other buildings to have scuttles upon the roof of any such houses and buildings, and stairs and ladders leading to the same.

Twenty-first—To regulate and order the cleaning of chimneys, and to fix the fees thereof.

Twenty-second—To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials, and the use of lights and candles in all stables, shops and other places; to remove and prevent the construction of any fireplace, hearth, chimney, stove, oven, boiler, kettle or apparatus used in any house, building, manufactory or business, which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes; and severally to enter into, or to appoint one or more officers at reasonable times to enter into and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in safe and secure condition.

Twenty-third—To provide for the inspection and weighing of hay, the measuring of charcoal, fire-wood, and all other wood to be used in the city.

Twenty-fourth—To regulate the inspection of butter, lard, and other provisions, and to regulate the vending of meat, poultry and vegetables.

Twenty-fifth—To regulate the weight, quality and price of bread to be sold and used in the city.

Twenty-sixth—To regulate the size of brick made or sold in the city.

Twenty-seventh—To provide for the taking of an enumeration of the inhabitants of the city.

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Twenty-eighth—To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

Twenty-ninth—To fix the compensation of the city officers, not otherwise provided for, and regulate the fees of all jurors, witnesses and others, for services rendered under this act, or any ordinance of the city council.

Thirtieth—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriating such fines and forfeitures, and the enforcement of such penalties; provided, that no fine shall exceed one hundred dollars, and imprisonment not to exceed fifteen days, for any one offense.

Thirty-first—To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for the cleaning of the same, and of the gutters.

Thirty-second—To prevent and restrain any riot, noise, disturbance, or disorderly assemblage, in any street, house, or place in the city.

Thirty-third—To prevent and remove all encroachments in and upon all streets, lanes, avenues and alleys, established by law or ordinances.

Thirty-fourth—To exercise complete and perfect control over the common, and all the property belonging to the city, real and personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer and dispose of, either absolutely or with limitation, to any person or persons whatsoever; and generally to make such rules, regulations, by-laws and ordinances, for the purpose of maintaining the peace and good government of the city of Rockport, and the trade, commerce and manufactories thereof, as the city council may deem expedient, not repugnant to the laws and Constitution of this State, and also to enforce the observance thereof by inflicting penalties upon any inhabitants thereof, or other person or persons, for the violation of any ordinance, not exceeding one hundred dollars, and imprisonment not exceeding fifteen days, for any one offense, recoverable with costs, as in any action of debt, by and in the name of the city of Rockport, for the use of said city, before any court having cognizance of the same.

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Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 8th, 1873.

CHAPTER CLIV.

An Act to consolidate the Houston Tap and Brazoria Railway, the Huntsville Branch Railway, and the Victoria and Columbia Railroad with the Houston and Great Northern Railroad.

Whereas, The Houston and Great Northern Railroad Company are the owners, by purchase at sale on foreclosure of mortgage by the State, and otherwise, of the Houston Tap and Brazoria Railway; and

Whereas, said Houston and Great Northern Railroad Company own all the stock of the Huntsville Branch Railway, and are operating eight (8) miles of road under the charter thereof; and

Whereas, said Houston and Great Northern Railroad Company are the owners of the stock of the Columbia and Victoria Railroad Company; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Houston Tap and Brazoria Railway, and the Huntsville Branch Railway, and the Columbia and Victoria Railroad, are hereby made and declared to be, to all intents and purposes in law, a part of the Houston and Great Northern Railroad, and shall be under the control and management of the said Houston and Great Northern Railroad, in like manner as every other part of their railroad; and all rights, privileges and franchises granted or secured in the charter of either or all of the aforesaid corporations shall inure to and be exercised and enjoyed by the said Houston and Great Northern Railroad Company, as fully and to the same extent as they could have been by either of said companies; provided that nothing herein contained shall have any effect to relieve said consolidated company, or said Houston Tap and Brazoria Railway, from any debt or liability whatever, to which either of said roads may be liable without this act.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved May 8th, 1873.

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CHAPTER CLV.

An Act to incorporate the Texas and European Beef Company, of Galveston, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. F. Stocking and Geo. W. Scolley, of New York; R. M. Cary, of Liverpool, England; and M. V. McMahan and John W. McMahan, of Texas, and their associates, are hereby created and established a body corporate and politic, under the name and style of "The Texas and European Beef Company;" with capacity in said corporate name to make contracts; to sue and be sued; to plead and be impleaded; to have succession and a common seal, to make by-laws and regulations for the government of its affairs. Said company may receive subscriptions of stock, or donations in land or money; may issue their bonds as hereinafter provided, and shall have all the powers incident to private corporations at common law, not in conflict with the Constitution and laws of this State or of the United States, so that the object of this act may be carried into effect.

Sec. 2. The said company is hereby invested with the right and power to purchase lands and machinery, and erect buildings for the use of said company, and for the purpose of manufacturing, or incident thereto, as may be necessary, as hereinafter provided. Said company shall have the right to engage in packing beef or pork, and putting up the same for market or shipment.

Sec. 3. Said company may have a capital of one million of dollars, with power to increase the same to two millions of dollars, should the stockholders so desire, and shall be divided into shares of one thousand dollars each; each share shall entitle the party owning it to one vote, by himself or proxy; said shares shall be deemed personal estate, and shall be transferable in such manner as the directors may direct. A record of such transfers shall be kept in a book kept for that purpose.

Sec. 4. The business of said company shall be vested in a board of directors, to be elected by the stockholders annually, of not less than three nor more than seven, one of whom shall be, by said board of directors or managers, elected president.

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Sec. 5. The board of directors may elect such other officers as they may deem necessary, and give them such powers and duties as the business of the company may require; provided, that no person shall be a director unless he be a stockholder to at least five shares of said stock. A majority of the board shall constitute a quorum to do business.

Sec. 6. That said company may issue its bonds in such sums, and for an amount equal to three-fourths of the cash value of the lands and landed stock of the company, redeemable in not less than ten years, with interest not to exceed eight per cent. per annum, payable semi-annually; provided, that a lien shall exist, and is hereby created on the land and landed stock, the buildings and machinery of said company, to secure the payment of said bonds so issued.

Sec. 7. That when said company shall issue any bonds as provided in section six of this act, the proviso to section four shall be incorporated into said bonds, and after any of said bonds have been negotiated, all persons shall be deemed to have conclusive notice of the lien created.

Sec. 8. The corporators herein named, or any three of them, shall, within four months after the passage of this act, organize as contemplated.

Sec. 9. This act shall be in force from and after its passage.

Approved May 8th, 1873.

CHAPTER CLVI.

An Act to incorporate Owensville High School.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. Crawford, M. N. Weatherby, J. C. Womack, W. L. Glass, J. S. Parish, A. McDonald, O. M. Addison, Hiram M. Glass and W. B. Morrow, all of the county of Robertson, and State of Texas, be and are hereby made a body corporate and politic, for the management and control, as trustees, for an institution of

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learning in the town of Owensville, Robertson county, Texas, under the name and style of "Owensville High School."

Sec. 2. Said board of trustees, and their successors in office, shall have power, and are hereby authorized to own and hold property, both personal and real or mixed, to an amount not exceeding five hundred thousand dollars in value, and to obtain the same by purchase, gift, bequest or otherwise; and to buy and sell, sue and be sued, plead and be impleaded; to own and use a seal; to keep a record; to have succession, and to do all other things, and have all other powers necessary, not inconsistent with the public good, nor the Constitution of the United States or the laws of Congress, nor the Constitution and laws of the State of Texas, to enable the said trustees to establish and control an institution of learning.

Sec. 3 Said board of trustees shall have the power, and it shall be their duty to organize by the election of officers usual to such a body, and to enact, for their government, by-laws and rules of order; also, to elect a faculty for said school, to consist of such members as they, the said trustees, in their wisdom may deem proper, whose duty it shall be to establish male and female departments; to prescribe a course of study, conduct examinations, make awards of merit, confer degrees, and grant diplomas or certificates of scholarship, and to do all other things necessary to promote learning and maintain good order and morals.

Sec. 4. Said board and faculty shall hold office under the rules and regulations of the Methodist Episcopal Church, South; and when any vacancy shall occur in the board of trustees, either by death, removal, resignation or otherwise, such vacancy shall be filled by appointment of the bishop or presiding officer of the Northwest Texas Annual Conference of the Methodist Church, South, by the advice and by the nomination of the quarterly conference of Owensville circuit or station of said conference.

Sec. 5. That this act take effect from and after its passage.

Approved May 8th, 1873.

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CHAPTER CLVII.

An Act to incorporate the Marvin College.

Section 1. Be it enacted by the Legislature of the State of Texas, That Rev. Thos. Stanford, Rev. J. M. Jones, Rev. W. G. Veal, Rev. J. Fred Cox, Rev. John S. McCarver, Rev. F. P. Ray, Rev. John Powell, Rev. T. W. Hines and Rev. Wm. Price, clerical members of the Northwest Texas Conference of the Methodist Episcopal Church South; and B. F. Hawkins, D. G. Ransom, G. C. Parks, E. M. Brack, S. N. Hilburn, T. Patterson, Dr. Wm. Kerr, J. F. Reagor and James E. Smith, lay members of said church, trustees of Marvin College of the Methodist Episcopal Church South, located at Waxahachie, in the county of Ellis, State of Texas, and their successors in office, be and they are hereby created a body corporate, under the name and style of "The Board of Trustees of Marvin College;" and by that name they shall have succession for the term of ninety years, and be capable in law to sue and be sued, plead and be impleaded; to enact by-laws, rules and regulations for their own government; to have, hold and enjoy, in their official capacity, all property, of whatever kind, that may be granted to them by donation, bequest or otherwise, for the benefit of said institution; to acquire and hold property by purchase; to convert any or all of said property into money; to disburse the same for the interest of said college; provided, that no authority is hereby vested in them to sell, convey or dispose of the college building or buildings, and the grounds upon which the same has been or may hereafter be located, except by the consent and concurrence of the Northwest Texas Conference of the Methodist Episcopal Church South, or any other conference of said church, in the bounds of which the said college may be situated. That the said trustees of Marvin College shall have the power to elect their own chairman, and such other officers as to them may seem proper; to elect a president, professors and teachers for the said college, and generally to do and perform all acts needful and proper for the promotion of the objects of said institution; and shall have a common seal for the transaction of its business, which they may alter at pleasure.

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Sec. 2. That the term of office of the board of trustees of said college shall be four years. A majority of said board shall constitute a quorum for the transaction of business, and they may appoint a chairman permanently or temporarily. That the election of the board of trustees, who are named above as the present board, is hereby ratified; and their successors in office shall be elected by said Northwest Texas Conference at some regular session thereof, and shall consist of not less than five nor more than nine ministers, and a like number of laymen.

Sec. 3. That said board of trustees shall manage the affairs of said college, but they shall be subject to the control and supervision of said Northwest Texas Conference; that said conference shall have the power, for inefficiency, or other good cause, to remove any or all of said board of trustees, and to appoint others to fill their place; that should a vacancy occur in the board of trustees, by death or resignation, the same may be supplied by said board of trustees until the next regular session of said conference; that no member of said board of trustees shall hold any office in said college as president, teacher, &c.

Sec. 4. That the president, professors and teachers in said college shall constitute the faculty thereof. They shall adopt all needful rules and regulations for the discipline and government of the students; and, with the approval of the president, they shall have the right to enforce such penalties as they deem proper; and no right of appeal from their decision to the board of trustees is granted.

Sec. 5. That the said board of trustees shall have the power to determine the salaries of the president, professors and employes of said college, and provide for their payment.

Sec. 6. That said board of trustees shall report annually to said Northwest Texas Conference the financial condition of said college, and the amount and condition of the property belonging thereto.

Sec. 7. That the president, faculty and the board of trustees of said college shall have the power to confer the usual degrees upon deserving students, and to grant diplomas therefor, as well as the usual degrees upon men distinguished in science and literature.

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Sec. 8. That all the property, real and personal, moneys, assets and dues heretofore donated, raised or purchased for the benefit of said Marvin College shall vest in said board of trustees and their successors in office, for the uses aforesaid; provided, that this section shall not be held to affect any lien or claim now existing against the same, or any part thereof; and the said board of trustees, with the consent of said Northwest Texas Conference, shall have the right and power to transfer and assign all the property, real and personal, and all the assets belonging to said college, to any other institution, college or university which may be located in the town of Waxahachie, Texas, under the supervision of the Methodist Episcopal Church South.

Sec. 9. That said board of trustees shall have the right and power to prohibit the sale and use of intoxicating liquors upon any part of the grounds and premises owned by said board for the benefit of said college, by the use of fines and penalties, and which may be enforced in such manner as they may deem best.

Sec. 10. That said college shall not at any time hold and own property exceeding five hundred thousand dollars in value, exclusive of the endowment fund; that the college buildings, library, fixtures and furniture, and also the college grounds connected therewith, shall not be subject to taxation for municipal, county or State purposes; and that all donations and bequests to said college, or purchases made for it heretofore, or that may hereafter be made, shall be good and binding, although the corporate name thereof may not have been properly stated.

Sec. 11. That this act take effect from and after its passage.

Approved May 8th, 1873.

CHAPTER CLVIII.

An Act to aid the Bayland Orphans' Home, situate on Galveston Bay, in Harris County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That there be and is hereby set apart out of lands heretofore granted and surveyed for orphan

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asylums, the following tracts, to-wit: seven thousand, three hundred and eighty-eight acres in Buchanan county; fourteen thousand and fifty-nine acres in Shackelford county; and twenty-seven thousand one hundred and eighty-eight acres in Callahan county.

Sec. 2. Be it further enacted, That the Commissioner of the General Land Office be and is hereby authorized and directed to issue patents to the assignees of the board of trustees, in quantities of three hundred and twenty acres each, until the amount of forty-eight thousand six hundred and thirty-five acres are absorbed.

Sec. 3. Be it further enacted, That said lands and the proceeds arising therefrom shall never be used for any other purpose than for the fostering care and support of said orphans' home. Should said orphans' home cease to exist, at any time before the alienation and disposition of said lands, the same shall revert to the State.

Sec. 4. Be it further enacted, That said lands shall not be alienated for a less sum than two-thirds of the appraised value, said appraisement to be made within six months next preceding said sale, to be made by two disinterested persons, one chosen by said trustees, and one by the County Court of the county where the lands are situated; should they fail to agree, they shall select some disinterested person to act as an umpire.

Sec. 5. That this act take effect from its passage.

Approved May 8th, 1873.

CHAPTER CLIX.

An Act to aid in the construction of the Atlantic and Pacific Railroad.

Section 1. Be it enacted by the Legislature of the State of Texas, That the right of way through the public lands of the State of Texas be and the same is hereby granted to the Atlantic and Pacific Railroad Company, a corporation created by the laws of the United States Congress, its successors and assigns, for the construction of a railroad and telegraph line in and across that portion of the State of Texas known as "Pan Handle;" entering said State of Texas from the Indian Territory on the east; and thence along or near the thirty-fifth parallel

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of latitude as near as may be found practicable for a railway rout[e], to some point on the west side of said "Pan Handle," near the thirty-fifth parallel of latitude, as aforesaid. And the right, power and authority is hereby given to said Atlantic and Pacific Railroad Company to take from the public lands adjacent to the line of said road, material of earth, stone, timber, &c., for the construction of said railroad. That said right of way is granted to said railroad company to the extent of one hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary grounds for station buildings, workshops, depots, machine shops, switches, sidetracks, turn-tables and water stations.

Sec. 2. That the State of Texas hereby grants to the Atlantic and Pacific Railroad Company, for the purposes of aiding in the construction of said railroad and telegraph line, every alternate section of public land, designated by odd numbers, to the amount of eight alternate sections per mile on each side of said railroad line, through the State of Texas, on or near the line designated in the first section of this act; and wherever, prior to said time, any of said sections, or parts of sections shall have been sold, granted or occupied by homestead settlers, or pre-empted, or reserved sections, or otherwise disposed of by the State, other lands shall be selected by said company in lieu thereof. That the reservation of lands made by this act for the benefit of the Atlantic and Pacific Railway Company shall not operate or be construed to exclude from location upon the territory within the limits of said reservation any actual settler, being a citizen of the State of Texas under section eight, article ten, of the Constitution of the State of Texas, nor the location of any genuine land certificate entitling the owner or owners to lands out of the public domain of the State of Texas, save and except certificates which have been or may be hereafter issued under any general or special law donating land to railroads, canals, or other internal improvements, which are intended by this act to be excluded from location within the limits of said reservation; provided, that said railroad company shall construct and complete that part of its line within the State of Texas, within five years after the passage of this act, or forfeit all rights herein granted.

Sec. 3. That whenever, and as often as said company

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shall complete and put in good, substantial running order, a section of twenty miles or more of said railroad, may notify the Governor of the fact, and it shall be his duty to appoint some skillful engineer to examine the same, and report under oath thereon, to the Commissioner of the General Land Office; and if it shall appear from said report that said railroad is completed and put in good, substantial running order, then the Commissioner aforesaid shall cause to be issued sixteen land certificates of six hundred and forty acres each, for each and every mile of such completed road within the State of Texas, on the line of said road, as designated in the first section of this act.

Sec. 4. That the certificates issued to said company, under the provisions of this act, shall be located in alternate sections; that is to say, for each certificate said company shall cause to be surveyed two sections of land of six hundred and forty acres each, adjoining within the limits prescribed in the second section of this act; and shall cause to be returned to the General Land Office, the field notes and maps of such surveys, and the Commissioner of the General Land Office shall number said sections, and cause to be issued to said company patents for the odd sections, the even sections thereof being reserved to the State for the school fund; provided, that the State of Texas shall not be responsible for any deficiency in public lands, and the certificates issued to said company not located because the public land is exhausted, shall constitute no claim against the State.

Sec. 5. That the lands granted to said company by the State, shall be alienated by the said company, as follows, to-wit: One-fourth in eight years; one-fourth in twelve years; one-fourth in sixteen years, and the remaining one-fourth in twenty years, from the date of said certificates, except so far as necessary and proper for the use and conducting of the business of said company; and said lands shall not be alienated or sold to any other railroad company or corporation except so far as may be necessary and proper for the use and conducting the business of such other company, nor to any company or firm of which any of the officers or stockholders of said company are members; nor to any person, firm or company in trust for said company; and on a failure to comply with, or a violation of any of the provisions of this

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section, said company shall forfeit all right to lands secured by this act, not alienated as required by law.

Sec. 6. That said company shall not sell, or lease to, or consolidate with, or purchase any other competing, converging or parallel railroad or line in this State; and any violation of this section shall forfeit all rights, secured by this act. And the State of Texas hereby expressly reserves the right to prescribe the rates to be charged for transportation of persons and property, at any and all times upon said road within this State; and that said company shall be subject to the laws of this State now, or hereafter to be in force, so far as said road is within the State; and that said company shall keep an office within this State.

Sec. 7. That this act shall take effect and be in force from and after its passage.

Passed May 9th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fifteenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CLX.

An Act authorizing the City of Galveston to issue her Bonds to the amount of Five Hundred Thousand Dollars in aid of the Bar and Harbor improvement of Galveston; and to provide a tax of one-fourth of one per centum for a sinking fund wherewith to pay the principal and interest of said Bonds.

Section 1. Be it enacted by the Legislature of the State of Texas, That the city of Galveston is authorized to issue her bonds, not to exceed five hundred thousand dollars, with ten per cent. interest thereon from the day of their date, payable in sums of not less than one hundred dollars each; and said bonds shall be of three classes, viz.: the first class shall be payable with interest as aforesaid in ten years from the date of their issuance; the

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second class shall be payable with interest as aforesaid in twenty years from the date of their issuance; and said bonds shall be issued to the purchaser or his order, or to the bearer, at the option of the city; and all moneys derived from the sale or negotiation of said bonds, or any of them, shall be used in aid of any improvements of the bar or harbor of Galveston, which may be authorized by the city council, or undertaken by the said city, whether entirely of itself or by way of co-operation with the authorities of the United States or of this State.

Sec. 2. It shall be the duty of the city council, at the time of resolving to issue the bonds herein provided for, to levy a tax, not to exceed one-quarter of one per centum on the assessed value of all taxable property within the corporate limits of the city of Galveston not exempt from taxation by the laws and the Constitution of this State, which tax shall be paid into the city treasury to be held as a special fund for the payment of the principal and interest of said bonds. No bonds shall issue in excess of such as may be provided for by such sinking fund, and a copy of this act shall be printed on the back of all such bonds; and said city is authorized to carry on such works of bar and harbor improvements of Galveston as may be necessary or deemed advantageous to the same, and to the commerce of said city; and any tax so levied shall be collected in the same mode and manner as the general tax of said city, and together therewith; but the amount thereof shall, nevertheless, be kept separately, and be so reported to the city council, and paid into the hands of the treasurer, as and for such special fund as aforesaid. Said bonds shall be known as " Galveston Bar and Harbor Improvement Bonds;" and the city council shall have full power and authority to pass all necessary ordinances or resolutions to carry into effect the provisions of this law.

Sec. 3. Said bonds shall have coupons attached for the interest herein provided, and shall be issued from time to time as may be indicated by the "Board of Harbor Improvement" of the city of Galveston, and resolved or ordained by the city council, but not in excess of the amount herein provided for; and it is further provided, that the sale of all such bonds shall be made by, and the disbursement of the funds arising from such sales shall be subject to, the expenditure, control and disposition of

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the said "Board of Harbor Improvement" of said city, for the purposes expressed and set forth in this act.

Sec. 4. That whenever, from the increase of taxable property, or from other cause, the amount produced by the taxation herein provided for shall produce an amount more than sufficient for the current deposit for the sinking fund and annual interest, such surplus so in excess may be sent to the general fund by the council, and be subject to its appropriation for general purposes; but in no other event than as is herein provided.

Sec. 5. That this act shall take effect and be in force from and after its passage.

Passed May 9th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fifteenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CLXI.

An Act amendatory of and supplementary to an Act entitled "An Act to Incorporate the Merchants' Mutual Insurance Company," approved September 18th, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of the act aforesaid shall be so amended as to read as follows, viz: That J. S. Sellers, J. M. Swisher, J. C. Massie, J. T. Brady, Boulds Baker, M. McMorris, M. Kopperl, J. W. Shipman, C. Thompson, W. R. Hodges, J. H. Shropshire, W. H. Nichols, C. F. Jenney, and their present and future associates, successors and assigns, be and are hereby incorporated and created a body politic and corporate, by the name and style of the Merchants' Insurance Company; and by the same name and style they and their successors shall be capable of suing and being sued, and maintaining any action to final judgment and execution; and shall be in law capable of purchasing, holding, im-

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proving and conveying any estate, real, personal or mixed, for the use of said corporation; and may have a common seal; and the said corporation shall have the power to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necesary for the government thereof; and it shall be lawful for the said corporation, after the expiration thereof, to use the corporate name, style and capacity, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal or mixed, but not for any other purpose, nor for a period exceeding three years after the expiration of the terms of incorporation.

Sec. 2. Be it further enacted, That the president and directors of said corporation shall annually, or semi-annually, make such dividends of the net profits of the company, as shall appear to them advisable, but the rule of distribution shall in all cases be observed, to-wit, a reserved fund of twenty-five per cent. shall be deducted, and the remainder of said net profits shall be paid to the stockholders, in proportion to the stock owned by them.

Sec. 3. Be it further enacted, That section seven (7) of the aforesaid act of incorporation, approved September 18th, 1866, be and the same is hereby repealed.

Sec. 4. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Approved May 9th, 1873.

CHAPTER CLXII.

An Act to incorporate the Mechanics' Real Estate and Savings Association of Dallas.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. S. Mitchell, Philip Langer, W. L. Murphy, Benj. Long, Olin Wilbam, M. Thevenent, E. W. Baylor, Henry Ball, J. B. Scruggs and Edward McDowell, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of "The Mechanics' Real Estate and Savings Association of Dallas;" with capacity in said corporate name to make contracts; to hold, buy and sell

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property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds and mortgages, and deeds of trust; to have succession and a common seal; to make by-laws for the government and regulation of its affairs; to sue and be sued; to plead and be impleaded; to declare dividends and make divisions of property; to loan its money to any person or persons on any securities it may think proper; to receive deposits; buy and sell bills of exchange, drafts or other obligations, bonds and other securities; and do and perform all such things, consistent with the laws of this State, as may be necesary and proper for, and incident to the fulfillment of its obligations under this act; provided, nothing in this act shall be so construed as to authorize this corporation to use its moneys in any manner which it may not be lawful for any citizen of this State to do.

Sec. 2. That the officers and managers of this association shall consist of nine (9) directors, to be elected by the shareholders; one president and one vice president, to be chosen from and by the board of directors; also, one secretary and one treasurer, to be selected by the directors from the shareholders. Such officers shall receive such compensation as the by-laws may provide, and their term of office shall be for one year, subject to removal in such manner as the by-laws may prescribe.

Sec. 3. That the capital stock shall be sixty thousand dollars, with the power and privilege to increase the same to three hundred thousand dollars.

Sec. 4. That this association shall not own or possess, at any one time, real property in the State of Texas exceeding one million of dollars.

Sec. 5. That the capital stock of sixty thousand dollars shall be divided into one hundred shares, of six hundred dollars each, payable in monthly installments of ten ($10) dollars per month until the capital stock of sixty thousand dollars is paid in; provided, that at any time after the said capital stock of sixty thousand dollars has been paid in, two-thirds of a quorum of said stockholders, at any regular meeting, or at any special meeting called for this purpose, two weeks notice of which special meeting shall have been given by the president in some newspaper published in the city of Dallas, may continue and require the payment of the above mentioned installments, in the same manner as above directed, for as many years

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after the capital stock of sixty thousand dollars shall have been paid in as they may see fit, not to exceed twenty years.

Sec. 6. That should any shareholder of this corporation fail or refuse to pay, or cause to be paid, his regular monthly installments, his stock shall be forfeited to the asociation; provided, that by and with the consent of the directors, for good cause shown, such delinquent may be allowed thirty days to redeem such stock so forfeited.

Sec. 7. No person shall own more than one share of stock in this association; provided, that this claim shall not apply to any case where one or more shares are inherited by any person holding a share; and the number of shares shall be one hundred; and in case any share be forfeited in accordance with the foregoing provisions, the board of directors shall dispose of the same in such manner as the by-laws may direct.

Sec. 8. Whenever one hundred shares shall have been subscribed, and two months installments paid in, this association shall be deemed organized and competent to transact business under this charter, and be entitled to all the grants and privileges hereunder.

Sec. 9. No member of this association shall be individually liable for any indebtedness of the association greater than that of the share or shares owned by such member.

Sec. 10. That service of any and all legal proceedings in any suit or proceedings against said corporation shall be sufficient if made upon the president or secretary of this board of directors.

Sec. 11. That should any minor hold any share or shares, in his or her own name, in this association, such stockholder shall have no vote in this association if under sixteen years of age, or until he or she arrives at the age of sixteen years.

Sec. 12. That this charter or act shall remain in full force and effect from and after the date of its passage for and during the period of twenty-five years.

Sec. 13. That this act shall take effect and be in force from and after its passage.

Approved May 10th, 1873.

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CHAPTER CLXIII.

An Act to incorporate the Hebrew Benevolent Society of Calvert, in Calvert, Robertson County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. Nussbaum, H. Morris, E. Keiffer, H. Reigensberger, J. Bedock, J. Pruss, J. Schmeidler, be and they are hereby constituted and created a body politic and corporate, under the name and style of "The Hebrew Benevolent Society of Calvert, in Calvert, Rober[t]son county, Texas;" by which name it shall have succession; be capable of suing and being sued; of pleading and being impleaded, in any of the courts of the State of Texas; may acquire estate, real, personal and mixed; and encumber, sell, or otherwise alienate the same, as said society may deem expedient.

Sec. 2. The amount of property held by said society, and the capital stock thereof, to be provided for by its by-laws, shall, at no time, exceed one hundred thousand dollars; the capital stock to be divided into shares not exceeding one hundred dollars each, and each share shall be entitled to one vote in the election of the officers of said society, and otherwise as the by-laws may prescribe.

Sec. 3. The objects of said society shall be, first, the relief of all indigent and poor persons of the Jewish faith; second, the building of a Jewish synagogue in said city of Calvert; third, the establishment of schools and seminaries of learning for the education of the children of those holding the Jewish faith; fourth, the laying out and maintenance of cemeteries for the burial of the dead.

Sec. 4. That said corporation shall have power to make a constitution and by-laws for its government, and generally to do any and all things that may seem proper for the promotion of the interests of said society, not incompatible with law; and shall adopt a common seal, which, with the signature of the president and secretary, shall be evidence of its acts.

Sec. 5. That this act shall take effect from and after its passage, and shall continue in force for the term of fifty years.

Approved May 12th, 1873.

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CHAPTER CLXIV.

An Act to incorporate the Hebrew Benevolent Association of Waco.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. Alexander, M. Goldsmith, J. Jacobs, J. Burgheim, Charles Jacobs, S. Marx, A. Levingstin, C. Freedlainder, A. Cohn, A. Lindenthrall, B. Efron, J. Fischer, M. Goldstein, Harris Lewine, L. Newrigir, L. Burgheim, A. Baruch, B. Brachfeld, I. Marx, and T. Davidson, and their associates and successors, be and they are hereby declared a body corporate, under the name and style of the "Hebrew Benevolent Association of Waco;" under which name they may sue and be sued, plead and be impleaded; acquire, hold, possess and alien[ate] property, both real and personal, and generally do and perform all acts necessary to carry into full effect the objects of the corporation hereinafter specified; provided, the aggregate value of property held by said corporation shall not at any one time exceed the sum of twenty-five thousand dollars.

Sec. 2. The objects of said association are declared to be, to afford relief and comfort to the sick, poor, and destitute, and to afford interment to the dead in accordance with the laws and rites of the Jewish faith; and the acts of said association shall be restricted to these purposes.

Sec. 3. Said association may have and use a common seal, and shall have full power to enact all needful by-laws, rules and regulations for its government and the proper administration of its affairs; and generally may have and exercise all the rights, privileges and immunities incident to associations of a similar nature.

Sec. 4. This act shall take effect from its passage, and shall continue in force for the period of ninety-nine years.

Approved May 12th, 1873.

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CHAPTER CLXV.

An Act to amend an Act passed at the present session of the Legislature, entitled "An Act to amend an Act entitled 'An Act incorporating the Galveston Artillery Company,'" approved January 30th, 1841.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two (2) of the act aforesaid shall be so amended as to read as follows: That whenever the commissioned officers of said company shall be selected in accordance with the by-laws, they may apply to the Governor of the State for commissions, and upon such application it shall be the duty of the Governor to issue them commissions as officers of the Galveston Company.

Sec. 2. Be it further enacted, That section nine (9) of the act referred to in the caption hereof shall be and the same is hereby repealed.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Approved May 12th, 1873.

CHAPTER CLXVI.

An Act to authorize G. W. Harper to construct and keep a Toll Bridge across South Sulphur Fork of Red River.

Section 1. Be it enacted by the Legislature of the State of Texas, That G. W. Harper is hereby authorized and empowered to construct and keep a toll bridge across South Sulphur Fork of Red River, on the public highway leading from the town of Sulphur Springs, in Hopkins county, to the town of Bonham, in Fannin county, at De Spam's bridge.

Sec. 2. That said G. W. Harper is required to build at said point a good, safe, and substantial bridge across the said South Sulphur Fork, which shall be completed within one year after the passage of this act.

Sec. 3. That when said bridge is completed, the said G. W. Harper is authorized to demand and receive from all persons crossing said bridge, or crossing their property

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over the same, a toll not exceeding the following rates: On every vehicle drawn by four or more animals, seventy-five cents; on every vehicle drawn by two or three animals, forty cents; on every vehicle drawn by one horse, twenty-five cents; for each animal and rider, ten cents; for each loose animal of the cattle kind, three cents; for each loose horse, mule, jack or jennet, five cents; for each sheep, goat or hog, one and one-half cents; provided, that all persons going to or returning from religious worship on Sunday, shall be exempt from payment of toll for crossing said bridge.

Sec. 4. That no person shall be authorized or allowed to erect any bridge except such as are to be used by railroads, or keep any public ferry across the said South Sulphur Fork, at or within three miles of the bridge hereby chartered.

Sec. 5. That it shall be the duty of the County Court of Hopkins county to cause the said bridge to be inspected semi-annually; and whenever they shall consider the same not to be in a good and safe condition for using, they may cause the gates thereof to be opened for the free passage of the public, and so to remain until said bridge is placed in good repair.

Sec. 6. That the gates of said bridge shall at all times, night and day, be opened for the passage of persons and property; and the said G. W. Harper shall be responsible in damages for unreasonable delays, and for injuries to persons or property, resulting from bad condition of said bridge.

Sec. 7. That this charter shall remain in force and continue for twenty years from and after the completion of said bridge.

Sec. 8. That this act take effect and be in force from and after its passage.

Passed May 12th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fifteenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CLXVII.

An Act empowering the Police Court of Cherokee County to levy and collect a Special Tax for the purpose of paying off the present outstanding indebtedness of said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of Cherokee county is hereby empowered (should they deem it necessary) to levy and collect a special ad valorem tax upon all taxable property in said county, not to exceed one-fourth of one per cent., for the purpose of paying off the present outstanding indebtedness of said county, the proceeds of which shall not be used for any other purpose except the one specified in this act.

Sec. 2. That said tax shall be levied and collected in the same manner provided by law for levying and collecting other county taxes.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Passed May 12th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the seventeenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CLXVIII.

An Act to authorize the County Court of Lampasas County to levy a Special Tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Lampasas county be and the same is hereby authorized and empowered to levy a special ad valorem tax, on all taxable property in said county, not to exceed one-fourth of one per cent., to be applied exclusively to the liquidation of

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the existing indebtedness of said county. Said tax to be levied and collected as other taxes.

Sec. 2. That this act take effect from its passage.

Passed May 12th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fifteenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CLXIX.

An Act to authorize and require the County Court of Robertson County to retire certain County Scrip therein specified, and to issue the Bonds of said county in lieu thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the county of Robertson is hereby authorized and required to retire all of the county scrip of said county, that may be just, valid and subsisting claims against said county, issued prior to the first day of March, A. D. 1873, except jury scrip; and to issue to the owners of said scrip the bonds of said county, in lieu of the same; which said bonds shall not be issued in amounts of less than fifty dollars; and which said bonds shall be due and payable in ten years from the date of their issuance, and shall bear interest at the rate of ten per cent. per annum, which interest shall be due and payable annually.

Sec. 2. Said bonds shall be numbered consecutively; shall be signed by the presiding justice of the county, the clerk of the court, attested by the seal of the court, and countersigned by the county treasurer; and said bonds, before they are issued, shall be registered by the treasurer, in a well bound book, to be procured by the County Court for that purpose. In said book he shall write the number, date, amount, and to whom issued, of each of said bonds respectively; and shall endorse on said bonds "registered," with the page of the registration

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book where registered; and no bond shall be valid as against the county which is not issued in compliance with the requirements of this section.

Sec. 3. The holders of the scrip mentioned in this act shall file the same with the clerk of the County Court, with a request that he receive bonds for the same, for which the clerk, if desired, shall give the party a receipt. At each regular and called session of the court, the clerk shall present such scrip to the County Court, with the request for bonds. The County Court shall examine such scrip, and if found to be just and valid claims against the county, shall cause an order to be entered on the minutes of the court, that bond or bonds be issued to the party for the amount of such scrip, with sufficient description of said scrip to identify the same, and that the same be cancelled and destroyed; and the court shall cause this to be done. It is further provided, that the holder of any scrip may present the same in person to the court and request bonds.

Sec.4. That the County Court of Robertson county is hereby authorized and required to levy a special ad valorem tax upon all of the taxable property of said county, and a tax upon all occupations, not to exceed one-fifth of the State tax levied by the State on such occupations, annually, which said taxes to be sufficient annually to raise money to pay the annual interest on said bonds, and to pay annually ten per cent. of the principal of said bonds, which said taxes shall be levied, assessed and collected as other taxes, and shall not be appropriated by the County Court for any other purposes.

Sec. 5. The County Court shall have the right to redeem said bonds, or any part of the same, at any time, under such regulations as they may prescribe; and the annual payment of ten per cent. of the principal of the same shall be payable at such time as the County Court may prescribe, giving one month's notice of the time and place of payment, by notice published in some newspaper in said county; and no interest shall be collectable on said ten per cent. of the principal from and after the day of the date of payment as advertised by the County.

Sec. 6. All payments of principal or interest on said bonds shall be endorsed with date of payment, signed by the treasurer on each bond respectively; and he shall

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endorse such payment with date on the book of registry of said bonds, on or opposite the registry of each bond respectively; and he shall, in his settlement with the County Court, not be allowed credit for any sum paid out on account of said bonds that is not so endorsed on said registration book. When said bonds are paid, the treasurer shall endorse on said registration book, "paid in full," and shall deliver the paid bond to the County Court, who shall cause the same to be destroyed. Said bonds shall be transferable by endorsement.

Sec. 7. After the passage of this act, it shall not be lawful for the county treasurer of Robertson county to pay any of the county scrip here required to be bonded, or for the sheriff or any other collecting officer to receive the same in the payment of any county taxes.

Sec. 8. That this act shall be in force and take effect from and after its passage.

Passed May 12th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fifteenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CLXX.

An Act for the relief of A. Howell.

Whereas, On the night of the 20th or 21st of June, 1872, J. W. Howell was brutally murdered at his house in Mason county, and his wife wounded and maimed for life, by one Thomas Faulkner, who immediately afterwards fled; and

Whereas, A. Howell, father of the said J. W. Howell, offered a reward of ($250) two hundred and fifty dollars, for the arrest of the murderer, which amount was actually

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paid subsequently by him to William Sherrard for the capture and delivery of the said Thomas Faulkner to the sheriff of Mason county:

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts is hereby authorized and required to issue his warrant upon the Treasurer in favor of A. Howell for two hundred and fifty dollars in coin, or its value in United States currency, and the said sum is hereby appropriated for this purpose out of any money in the treasury not otherwise appropriated.

Sec. 2. That this act take effect from and after its passage.

Passed May 12th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fifteenth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution of the State, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CLXXI.

An Act to be entitled An Act amendatory of and supplementary to an Act entitled "An Act to incorporate the Central Bank," passed March 31st, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two of the above entitled act be so amended as to read as follows: Sec. 2. The managers and officers of the company shall consist of a board of directors, composed of such a number as the by-laws may designate, to be selected from the stockholders, and their number may be increased, after organization, by resolution of the board; and said board shall elect, from their number, a president. They shall hold their offices for one year, and until their successors are elected; provided, the first board elected, and its presiding officers, shall hold their offices for two years after the

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payment of all installments upon the capital stock. They shall be subject to removal in such manner as the by-laws may direct. And said board may employ such agents, clerks, and other employes as may be deemed necessary to transact the business of the company, and may provide for filling vacancies in the board of directors and other officers.

Sec. 2. That section four of said act be so amended as to read as follows: Sec. 4. The capital stock of the company shall be paid in such installments as the board of directors may provide; any stockholder failing or refusing to pay such installments shall, after twenty days' notice, given [in] such manner as the by-laws may provide, forfeit such stock; provided, the company may receive money, or such property or effects as it may deal in, in payment of stock.

Sec. 3. When any deposit is made to said company by a minor, or by a female being or thereafter becoming a married woman, the said company may pay such depositors any sums of money due them, and their receipt or acquittance shall be a legal discharge to said company therefor.

Sec. 4. The company may receive money in trust, and accept and execute all such trusts of every description, not inconsistent with the laws of the State, as may be commited to it by any person or persons whatever, or by any corporation, or by order of the Supreme Court, district or probate court of the State or United States.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved May 14th, 1873.

CHAPTER CLXXII.

An Act to incorporate the Texas Land and Colonization Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. N. Lane, G. W. Cook, H. B. Faulkner, Simeon Hart, George S. Bangs, and their associates and successors, are hereby created a body corporate and politic, with full power in their corporate name, viz., "The Texas Land and Colonization Company," to

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make contracts of every description necessary to the furtherance of the objects of said organization; to purchase and hold, sell and convey property, both personal and real; to execute and take leases, mortgages and trusts, and all other instruments customary and necessary in the transaction of their business; to take and receive grants and gifts; to have succession and a common seal; to make by-laws, rules and regulations for the government of their affairs; to sue and be sued, plead and be impleaded in all the courts of this State; to declare dividends upon its profits, and to make divisions and subdivisions of real property; and to do and perform every act incident to their organization necessary to the fulfillment of their duties and protection of their rights under this grant, and consistent with the laws and Constitution of the State; and shall have succession for sixty years.

Sec. 2. The officers of this association shall consist of seven directors from which number there shall be elected a president, vice president and secretary. The election of said directory and other officers shall be had annually after the first election. Said directory may appoint such subordinate officers and agents as may be deemed necessary, and provide for such compensation of all officers and employes as they may determine; the term of office of the subordinates and employes shall be at the will of the directory.

Sec. 3. The capital stock of said association shall be one hundred thousand dollars, with power to increase the same hereafter to one million dollars.

Sec. 4. The said capital stock of one hundred thousand dollars shall be divided into shares of five hundred dollars each, and may be payable in installments of ten dollars per month on each share, or in such sums and manner as the directory may hereafter determine by by-laws or regulation.

Sec. 5. Should any stockholder fail to pay any installment or payment due the association, then and in such case the stock of such delinquent stockholders may be sold at the company's office, after giving five days' notice thereof in some newspaper published in the State of Texas; and the right and title to all such stock so sold shall be deemed good and valid in law and equity.

Sec. 6. Whenever as much as five per cent. of the minimum capital herein provided shall have been paid in,

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the said association may proceed to an organization conformable to the terms hereof.

Sec. 7. Service of all legal process upon the said association may be had in the manner now prescribed by law.

Sec. 8. That this act shall be in force from and after its passage.

Approved May 14th, 1873.

CHAPTER CLXXIII.

An Act for the relief of R. C. Hunt.

Whereas, Thomas D. Evans, late District Attorney of the "Tenth Judicial District" of the State of Texas, was absent from the State from the thirtieth day of September, 1872, to the eighth day of November, 1872; and,

Whereas, during the absence of the said Thomas D. Evans, district attorney as aforesaid, Hon. John G. Scott, judge of said judicial district, did appoint R. C. Hunt, a practicing attorney-at-law in the courts of this State, district attorney pro tem. at the September term of the District Court for Kaufman county, beginning on the thirtieth day of September, 1872, and ending in the twenty-sixth day of October, 1872; and

Whereas, the said R. C. Hunt duly qualified, and served as district attorney pro tem. for the term of said court; and

Whereas, during the absence of the said Thomas D. Evans, district attorney as aforesaid, Hon. John G. Scott, judge of said judicial district, did appoint the said R. C. Hunt district attorney pro tem., at the October term of the District Court of Van Zandt county, beginning on the twenty-eighth day of October, 1872, and ending on the ninth day of November, 1872, and

Whereas, the said R. C. Hunt duly qualified and served as district attorney pro tem. for the term of said court; and

Whereas, the said Thomas D. Evans, district attorney as aforesaid, has not received the salary allowed district attorneys of this State by law:

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred and thirty-

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one dollars and fifty cents be and the same is hereby appropriated, out of any money in the treasury of this State not otherwise appropriated, for the payment of the said R. C. Hunt for services rendered as district attorney pro tem.; and that the Comptroller draw his warrant on the Treasurer for the same; and the said sum of one hundred and thirty-one dollars and fifty cents is hereby deducted from the salary of the said Thomas D. Evans.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 14th, 1873.

CHAPTER CLXXIV.

An Act to incorporate the Town of Ladonia, in Fannin County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Ladonia, in the county of Fannin, be and they are hereby declared and made a body politic and corporate, under the name and style of the corporation of the "Town of Ladonia," by which name they may sue and be sued; plead and be impleaded; acquire and hold property, both real and personal, and sell and dispose of the same at their will and pleasure in order to carry out the object of said corporation; provided, such real property is situated within the limits of said corporation.

Sec. 2. That the limits of said corporation shall extend as follows: to-wit: Beginning three-fourths (3-4) of a mile west, and three-eighths of a mile north of the public square; thence east one and a half miles; thence south three-quarters of a mile; thence west one and a half miles; thence north three-quarters of a mile to the place of beginning.

Sec. 3. That it shal be the duty of the citizens, qualified electors under the Constitution and laws of this State, who reside within the foregoing limits, to elect a mayor, four aldermen, with a town marshal, who shall hold their offices one year, and until their successors shall be elected and qualified, or until the next general election; that said election shall be held within thirty days after the passage of this act, ten days notice of said election being

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given by the justice of the peace of precinct No. 3 of the County Court of Fannin county, who shall also appoint suitable persons to act as judges and managers of said election; and it shall be the duty of the mayor and marshal to cause an election to be held annually thereafter, at least ten days before the expiration of their term of office, for the election of all officers herein provided for; provided, no person shall be qualified to hold office under said corporation, or to vote at any election under said corporation, who has not resided within the corporate limits for sixty days prior to his election or appointment, or the holding of such election.

Sec. 4. The mayor and aldermen shall compose the town council, any three of whom shall constitute a quorum for the transaction of all business; said council shall have power to pass such rules, regulations, ordinances and laws as may be necessary for the regulation of the police, and preservation of peace, order and quiet within the corporate limits of said town, and to impose such punishment, both by fine and imprisonment, for violations thereof as may be necesary to enforce a proper observance of the same; provided, however, that no fine shall exceed one hundred dollars, and no imprisonment shall exceed ten days; provided, no imprisonment shall be inflicted as a penalty, but only to coerce the payment of fine and costs, and when the same are paid said imprisonment shall cease. Said council shall have power to abate nuisances, prevent, remove or correct whatever endangers the health, cleanliness, or comfort of the town or its inhabitants.

Sec. 5. Said council shall have exclusive control and supervision over all streets, sidewalks, alleys and highways, within the corporate limits of said town, and shall see that the same is kept in good repair, and shall have power to levy and impose a direct property, license and occupation tax upon all such property, persons and employments as are liable to taxation under the Constitution and laws of this State, and to enforce the collection of the same under such rules and regulation as they may adopt; provided, that no property, license or occupation tax shall exceed for any one year, one-fourth (¼) of the tax levied by the State; and provided furthermore, that no tax shall ever be levied by said council upon any property, real or personal, that may be owned, occupied, and

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used exclusively for church, educational or charitable purposes.

Sec. 6. Said council shall at their first meeting elect one of their number treasurer, who shall also act as secretary of said council, and shall, before he enters upon the discharge of his duties, take and subscribe the oath of office prescribed by the Constitution of this State, and given bond to said corporation in such sum as may be required by said council, for the faithful performance of his duties; and shall receive such pay for his services as may be allowed him by said council.

Sec. 7. The mayor, aldermen and town marshal shall, before entering upon the duties of their office, take and subscribe to the oath of office prescribe[d] by the Constitution of this State, which shall be administered by the justice of the peace of precinct No. 3 of the County Court of Fannin county.

Sec. 8. The mayor shall give bond to the corporation, in such sum as the council may require, for the faithful performance of his duties; he shall have power, when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order. He shall hold his courts for the trial of offenders at such times as may be necessary, and shall keep a record of the proceedings therein had.

Sec. 9. The town marshal shall, before entering upon the duties of his office, give bond and security to the corporation for the faithful discharge of his duties, in such sum as may be required by the council; and it shall be his duty to attend the council during its sessions; to execute all process issued to him by the mayor; suppress all riots and disorderly assemblies; make all arrests, with or without warrant, of persons for violations of any of the corporation laws. He shall have power when necessary, to call to his aid the citizens within the corporate limits of said town, and he shall receive for his services such fees as are now by law prescribed for constables for similar services. He shall, by virtue of his office, be the assessor and collector of taxes for said corporation, and for such services shall be allowed such compensation as the council may allow.

Sec. 10. All moneys derived from taxation, and all fines collected for any violation of the corporate laws, shall be paid into the treasury of said corporation. All moneys

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derived as provided for in this section, shall be appropriated by the council in such manner, and in such sums, as they may think best, in order to carry out the objects of said corporation, and in construction and improving the streets, sidewalks, alleys, and highways in said town, and whatever is necesasry for the comfort, cleanliness and health of said town.

Sec. 11. The compensation of the mayor and aldermen shall be two dollars per day, for each day the council may be in session; all compensation for officers, except fees, shall be paid out of the treasury.

Sec. 12. That this act take effect and be in force from and after its passage.

Approved May 14th, 1873.

CHAPTER CLXXV.

An Act to amend an Act entitled "An Act to incorporate the City of Calvert, in Robertson County," approved April 12th, A. D. 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section (20) twenty of an act entitled "An Act to incorporate the city of Calvert, in Robertson county," shall be amended so as to read as follows: Sec. 20. That the city council shall have power to suppress all gaming and gambling houses, and houses of prostitution,[1] and disorderly houses of every character, and shall adopt summary measures to enforce the same. The city council shall have power to prohibit the commission of assault, and assault and battery, obscene and indecent exposure of the person, obscene publications calculated to currupt the morals of youth.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 14th, 1873.

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[1]Prostition in enrolled bill.

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CHAPTER CLXXVI.

An Act to incorporate the Garden Valley Seminary, in Smith County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. H. Bulkley, G. W. Mathis, A. J. Gilchrist, W. A. Williams, J. W. Murphy, F. W. Holland, E. C. Cox and W. C. Allen, be and they are hereby constituted a board of trustees for the establishment, management and control of an institution of learning to be located in the village of Garden Valley, in Smith county, Texas; and that they and their successors in office are hereby declared a body corporate and politic, under the name and style of the "Garden Valley Seminary;" and under that name and style shall be capable of suing and being sued, pleading and being impleaded, and shall have and be capable of exercising all general and special powers necessary to enable them to carry out the objects of their charter, which are hereby declared to be, the promotion of the cause of education, virtue, and general literature; provided, that no act of theirs shall be inconsistent with the Constitution and laws of the State.

Sec. 2. That said board of trustees shall have the right to acquire property, either personal or real, by gift, purchase or otherwise, and to use, hold or dispose of the same as a majority of the board shall deem best calculated to promote and advance the interest of said seminary.

Sec. 3. That said board shall have sucession, and may adopt and use a common seal for the authentication of their acts, and shall have authority to make all necessary by-laws for their government, or government of the seminary, and also shall have power to grant such certificates of merit or advancement to students as are usually bestowed in high schools and seminaries of learning.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved May 14th, 1873.

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CHAPTER CLXXVII.

An Act to be entitled An Act to amend an Act entitled "An Act to re-organize the Town of Bryan, in Brazos County, Texas, and incorporate said Town as the City of Bryan," approved 29th November, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, that the second section of article eight of the above recited act be so amended as to read hereafter as follows: The mayor shall have power to act in a judicial capacity, and alone in all cases arising within the jurisdiction of the corporation involving a breach of the peace, and a violation of any ordinance of the common council; and in the absence of the mayor from the limits of the corporation, or his inability to attend his office by reason of sickness, then the oldest member of the board of aldermen shall, for the time being, act as mayor, and perform all the duties, and exercise all the powers of mayor.

Sec. 2. That this act take effect from and after its passage.

Approved May 14th, 1873.

CHAPTER CLXXVIII.

An Act to validate and supplement the Charter of the Bastrop Coal Company of Texas.

Whereas, Paul N. Spofford, George Colletso, T. W. Pierce, N. P. Turner, V. G. Brodie, Chas. A. Ackley, F. L. Randle, Chas. A. Currier and J. C. Baldwin, did, under and by virtue of the general incorporation act, passed December 2d, 1871, file in the office of the Secretary of State, articles of association and incorporation, under the name and style of "The Bastrop Coal Company of Texas"; and

Whereas, Said incorporators have organized said company, issued and sold sundry stock, and done other things for the benefit of said company; and

Whereas, The law under which they incorporated and

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organized, was null and void, for want of an enacting clause; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Bastrop Coal Company of Texas be and the same is fully incorporated as if said general act of incorporation had been valid.

Sec. 2. That the stockholders or shareholders of said company shall not be liable or responsible for any debts or obligations of said company, hereafter contracted, only so far as their stock may be paid up; but the company may prescribe rules for the forfeiture of any stock upon which any assessments are unpaid.

Approved May 15th, 1873.

CHAPTER CLXXIX.

An Act amendatory to and suplementary of an Act entitled "An Act to organize and incorporate the East Line and Red River Railroad Company," approved March 22d, 1871, and to aid in the construction of said Railroad.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two (2) of an act entitled "An act to organize and incorporate the East Line and Red River Railroad Company," approved March 22d, 1871, be and the same is hereby amended so as hereafter to read as follows, viz.: Said company is hereby authorized to construct, own and maintain a line of railway, with either a single or double track, of the gauge of four feet and eight and one-half inches, as well as a telegraph line, from the city of Jefferson, in Marion county, to the town of Greenville, in Hunt county, via Mt. Pleasant, in Titus county, and Sulphur Springs, in Hopkins county; thence in a westerly or northwesterly direction to the western limits of the State; and shall establish freight and passenger depots within one-half mile of the principal business portions of each of said cities and towns; provided, the said towns and cities to or through which said railroad is required to pass, shall cause the right of way to be granted to said company free of cost to the same, and shall donate to the said company the necessary and suitable grounds

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for said depots, switches, sidings and turnouts, as may be required for said purposes, not to exceed thirteen acres; and provided further, if the said route of said road shall run within five miles of any county site other than those herein named, then said road shall be constructed through such county site; provided, said county site shall cause to be granted the right of way, free from any cost, to said company, from the point of divergence towards such county site to the point at which it shall regain its main route, and donate grounds for depots, &c., as above provided in the towns herein named; provided further, that nothing in this act shall be so construed as to require the people of Hopkins county to pay the money subsidy heretofore voted to the said East Line and Red River Railroad by the people of said county.

Sec. 2. That section eight (8) of the above recited act is hereby so amended as to hereafter read as follows, viz.: That said company shall have completed and put in running order at least twenty miles of its said road within eighteen months from the passage of this act, and shall complete the main trunk of said road between Jefferson and Greenville, in four years from said date, and shall complete the western division in five years thereafter; provided, that work on said road may be commenced and prosecuted from any one or more points at the same time.

Sec. 3. That the State reserves the right to regulate, by general law, the rates to be charged for freight and passengers, as well as the management and control of said railroad, its officers and employes; provided, the same is done in such manner as not to discriminate against said road in favor of competing lines of railroads in this State.

Sec. 4. That, as supplementary to said act, it is further enacted, that the said charter shall remain in force for the period of sixty years from the date of the completion of said railroad; and the said company shall be entitled to receive sixteen sections of land, containing six hundred and forty acres each, for each and every mile of railroad completed; and whenever the Governor shall be informed that a section of ten miles of said road shall have been completed, he shall at once appoint some competent person to inspect the same. The person so appointed to inspect the same shall, without delay, make an examination of said railroad, and report whether or not the said ten

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miles thereof has been completed in accordance with the terms of its charter; and if said report shall be in the affirmative, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be to immediately issue and deliver to said company sixteen certificates for land, of six hundred and forty acres each, for each and every mile of road completed, and so on for every additional ten miles thereof as the same may be completed, which said certificates may be located, surveyed and patented, according to the general railroad law, on the principle of alternate sections; provided, that each section of ten miles shall be inspected in like manner as provided in this section for the first ten miles; provided further, that said company shall not have the right to rent, sell, lease, or consolidate with any parallel or competing railroad in this State; provided further, that the State shall in no wise be liable for any deficiency in vacant public domain.

Sec. 5. That the lands acquired by said railroad company under this act shall by it be alienated as follows; one-fourth part thereof in eight years; one-fourth part thereof in twelve years; one-fourth part thereof in sixteen years; one-fourth part thereof in twenty years, after the passage of this act, or within said periods; and the same shall not be sold or conveyed by said company to any railroad or other incorporated company, except so far as may be necessary for its proper uses and the conducting its business; nor to any person, or firm, or company, in trust for said railroad company; or to any firm or company of which any officer or stockholder of said railroad company is a member; and a failure to comply with, or a violation of the provisions of this section shall work a forfeiture of all the benefits of this act.

Sec. 6. That this act be in force from and after its passage.

Passed May 17th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the seventeenth of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CLXXX.

An Act to incorporate the Board of Trustees of the Centreville Academic School.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. M. Cook, A. A. Curtis, W. A. Patrick, Jeremiah Horn, and A. J. Wood, citizens of the county of Leon, in this State, and their successors, are hereby created a body politic and corporate, under the corporate name and style of the Board of Trustees of the Centreville Academic School; and as such may have succession; may plead and be impleaded in any court in this State; may purchase, own, sell, receive bequests and donations of real and personal property; may adopt and have a common seal by which to authenticate their acts.

Sec. 2. So soon as convenient after the passage of this act the incorporators herein named shall be authorized to open books to receive subscriptions for the capital stock for such school, which shall be subscribed in shares of not less nor more than twenty-five dollars; and said stock when subscribed shall be secured by the note of hand of such subscriber, payable under the provisions of this act and the subsequent calls of the board of trustees. Said note shall be made payable to the incorporators herein mentioned. So soon as the sum of five thousand dollars ($5000), have been subscribed and secured as herein specified, the incorporators herein named shall call a meeting of the stockholders, giving ten days notice of such meeting, in such manner as they may deem proper, for the purpose of electing a permanent board of trustees for said school to consist of five (5). At such meeting each stockholder shall have one vote for each share of stock that he has subscribed and secured; provided, no stockholder shall be entitled to vote for a permanent board of trustees who has not first paid to the incorporators herein named the sum of twenty-five per cent. on the amount of stock subscribed.

Sec. 3. Said board of permanent trustees shall be elected to serve for one year from the day of their election, and until their successors are elected and qualified. So soon as such board are elected they shall elect out of their own number a president, vice president, treasurer and secre-

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tary; and the incorporators herein named, so soon as the permanent board is elected, shall hand over to said permanent board all of the money, notes, property and books in their hands. The treasurer and secretary shall execute such bond, payable to the board of trustees, as shall be prescribed by the board, for the security of the money that come to their hands, and for the faithful performance of their duty. The board of trustees shall have power to adopt a code of by-laws for their own government, and for the government and control of the school; provided, such by-laws are not inconsistent with any law of this State.

Sec. 4. That the capital stock of said school shall not exceed the sum of fifty thousand dollars, and that the shares of stock may be transferred by assignment on the books of said board of trustees. So soon as the permanent board of trustees are elected, and have accepted, they shall at once, if they deem the funds or property in hand sufficient, proceed to secure the necessary land, and to erect on the same suitable buildings for the purposes of such school; provided, that said school house shall not be located further than six hundred yards from the public square in the town of Centreville, in the county of Leon, unless it is so located by a vote of four-fifths of the entire amount of stock subscribed.

Sec. 5. If from any cause, at the meeting called by the incorporators herein named, a majority of the stock subscribed should not be represented, the incorporators shall adjourn the election, from time to time, until a majority of the stock subscribed is represented at such meeting; and if from any cause there should be no election, and a permanent organization under the provisions of this act, the incorporators shall return any notes, money, or other property they may have received, to the parties to whom the same may properly belong. The board of trustees, after the permanent organization of the board, shall have full power to regulate the manner of the payment of stock subscribed.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved May 17th, 1873.

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CHAPTER CLXXXI.

An Act to incorporate the City of El Paso.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants of the county of El Paso, within the hereinafter described bounds and limits, are hereby constituted a body corporate and politic, with perpetual succession, under the name and style of "The City of El Paso;" and under that name shall have power, first, to sue and be sued; second, to purchase and hold real and personal property for the use of the city, and land for taxes; third, to sell and convey any real or personal estate owned by the city, and make such order respecting the same, as may be conducive to the interest of the city; fourth, to make all contracts, and do all other acts in relation to the property and concerns of the city, necessary to the exercise of its corporate or administrative powers; fifth, to have a corporate seal.

Sec. 2. That the said corporation shall have jurisdiction over all that territory within the county of El Paso, included within the following described bounds and limits: Commencing on the Rio Grande, at a point five hundred yards north of Hart's mills; thence east to the northwest corner of what is known as the Cummings' survey; thence south, following the west line of the Cummings' survey, to the banks of the Rio Grande; thence west and north, following the banks of said river, to the place of beginning.

Sec. 3. The powers herein granted shall be exercised by the mayor and city council as hereinafter set forth.

Sec. 4. The city of El Paso shall be divided into three wards; the boundaries thereof shall be as follows, until changed by the city council: The first ward shall comprise all that portion of the corporation lying west of the center of El Paso street, and south of the center of San Francisco street. The second ward shall be all that portion of the corporation lying north of the center of San Francisco street, and north of the plaza, the public square, and the center of St. Louis street. The third ward shall be all that portion of the corporation lying west of the center of El Paso street, and south of the plaza, the public square, and the center of St. Louis street; and the bound-

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aries of said wards may be changed, from time to time, by the city council as they may deem expedient, having regard for the number of inhabitants, so that each ward shall contain, as near as may be, the same number of qualified electors for city elections. New wards may be created by the city council when they may deem it necessary or expedient; provided, such increase of wards shall not increase the number of councilmen to more than twelve.

Sec. 5. The elections for city officers under this charter shall be held upon the second Tuesday in August, A. D. 1873. Every male inhabitant of the city who has resided within the city for a period of six months next previous to an election, who is at least twenty-one years of age, a citizen of the United States, or has declared his intention of becoming a citizen of the United States, shall be entitled to register and vote at any city election.

Sec. 6. The mayor and city council shall appoint a registrar, at least twenty days preceding an election for mayor and councilmen, who shall proceed to register the qualified voters of the city in such manner as is prescribed by the general laws of the State regarding the registration of voters. The registrar shall divide his time between the several wards of the city, and shall keep separate lists for each ward, and persons registering shall register in the wards in which they live. The mayor and city council shall act as a board of revision and appeals, and shall be governed by such laws as may be in force in this State regarding boards of appeal and revision. The mayor shall have copies of the revised lists of voters alphabetically arranged for the use of the judges of election in each ward. All the powers given judges of election and registrars by any general law of this State is hereby conferred on such officers of this city.

Sec. 7. The mayor shall give public notice of the holding of an election at least ten days preceding the day of election; and should the mayor fail to give such notice, the city council may order the same.

Sec. 8. At all elections for city officers the voters shall vote by ballot, and only in the wards wherein they respectively reside. Each ward shall constitute an election district, and polls shall be opened at such place therein as may be designated by the mayor or fixed by ordinance; provided, that nothing in this act shall contravene

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any general law of this State regulating elections. The mayor shall provide suitable rooms and arrangements for polls of election.

Sec. 9. The mayor and city council shall appoint the judges of election for each ward, who shall have power to appoint two clerks to aid them in conducting the election. In case of the failure or refusal of the mayor and city council to act, then the justice of the peace of the precinct in which the city is situate, shall appoint the judges of election. The judges of election shall take and subscribe to such oaths as are required of judges of election by the general laws of the State, and their proceedings shall, in all matters relating to the conduct of the election, be governed by such laws.

Sec. 10. The polls shall be kept open from eight o'clock A. M. to six o'clock P. M. on the day of election. The judges of election shall proceed immediately upon the closing of the polls to count the votes, and such counting shall be conducted in the presence of at least three persons besides the judges of election and the clerks, and they shall make return to the returning officers.

Sec. 11. The mayor and city council shall be the returning officers. They shall proceed, within five days after the close of said election, to open the returns and canvass the vote, and the person or persons receiving the highest number of votes shall be declared elected. The returning board shall publish the returns in such manner as may be provided by ordinance, and shall cause notice to be served of said election on the person or persons so elected, on the day following the counting of the returns; and such officers elected shall appear within ten days after receiving such notification, before any officer empowered to administer oaths, and take the oath of office prescribed by the Constitution and laws of this State. In case any officer elected fails to take the oath within the time prescribed, his office shall be vacant.

Sec 12. When two or more persons shall have received an equal number of votes for the office of mayor or councilmen, a new election shall be ordered, and held in the manner prescribed in this charter; and all cases of contested elections shall be tried and determined by the city council.

Sec. 13. The mayor shall hold his office for a term of two years, and until his successor is duly elected and qualified.

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Sec. 14. The city council shall consist of two citizens elected from each ward, to hold their offices for two years and until their successors are qualified; provided, the number of councilmen shall never exceed twelve. A majority shall constitute a quorum for the transaction of business, but a less number may meet and compel the attendance of absent members.

Sec. 15. The councilmen shall not receive, either directly or indirectly, any salary or other compensation from the city for their services. The mayor shall receive no salary, but may receive such fees as are hereinafter provided.

Sec. 16. Any person who is a qualified voter within said corporation, and who has been an actual resident therein for at least one year preceding the election, shall be eligible to any office created by this act.

Sec. 17. If the mayoralty should become vacant by death, resignation, or removal of the incumbent, a majority of the city council may elect one of their own number mayor, for the time being, to fill the vacancy until his successor is elected and qualified. The mayor may be removed from office for malfeasance in office, by the unanimous vote of all the city council. In case of vacancy in the office of councilman in any ward of the city, the mayor shall order an election in the ward to fill such vacancy.

Sec. 18. The mayor and city councilmen shall constitute the city council of said city. The city council shall meet at such times and places as they shall by resolution direct. The mayor, when present, shall preside at all the meetings of the city council, and shall have in all cases a casting vote. In his absence any one of the aldermen may be appointed to preside, in which case the alderman who presides shall vote as an alderman.

Sec. 19. The city council shall hold regular meetings at stated times, at least once in each month, and the mayor, of his own motion, or on the application of two members of the council, may call special meetings. The meetings of the city council shall be public.

Sec. 20. Petitions and remonstrances may be presented to the council in writing only, and the council shall determine the rules of its own proceedings, and have power to compel the attendance of absent members, and with the concurrence of two-thirds of the members elected, may expel a member.

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any general law of this State regulating elections. The mayor shall provide suitable rooms and arrangements for polls of election.

Sec. 9. The mayor and city council shall appoint the judges of election for each ward, who shall have power to appoint two clerks to aid them in conducting the election. In case of the failure or refusal of the mayor and city council to act, then the justice of the peace of the precinct in which the city is situate, shall appoint the judges of election. The judges of election shall take and subscribe to such oaths as are required of judges of election by the general laws of the State, and their proceedings shall, in all matters relating to the conduct of the election, be governed by such laws.

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Sec. 15. The councilmen shall not receive, either directly or indirectly, any salary or other compensation from the city for their services. The mayor shall receive no salary, but may receive such fees as are hereinafter provided.

Sec. 16. Any person who is a qualified voter within said corporation, and who has been an actual resident therein for at least one year preceding the election, shall be eligible to any office created by this act.

Sec. 17. If the mayoralty should become vacant by death, resignation, or removal of the incumbent, a majority of the city council may elect one of their own number mayor, for the time being, to fill the vacancy until his successor is elected and qualified. The mayor may be removed from office for malfeasance in office, by the unanimous vote of all the city council. In case of vacancy in the office of councilman in any ward of the city, the mayor shall order an election in the ward to fill such vacancy.

Sec. 18. The mayor and city councilmen shall constitute the city council of said city. The city council shall meet at such times and places as they shall by resolution direct. The mayor, when present, shall preside at all the meetings of the city council, and shall have in all cases a casting vote. In his absence any one of the aldermen may be appointed to preside, in which case the alderman who presides shall vote as an alderman.

Sec. 19. The city council shall hold regular meetings at stated times, at least once in each month, and the mayor, of his own motion, or on the application of two members of the council, may call special meetings. The meetings of the city council shall be public.

Sec. 20. Petitions and remonstrances may be presented to the council in writing only, and the council shall determine the rules of its own proceedings, and have power to compel the attendance of absent members, and with the concurrence of two-thirds of the members elected, may expel a member.

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Sec. 21. The city council shall have the care, management and control of the city and its property and finances, and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such ordinances to alter, modify or repeal, and shall have power by ordinance:

Sec. 22. To borrow money on the credit of the city and issue bonds therefor to an amount not to exceed twenty thousand dollars. To make a loan, the question must be submitted to the registered voters of the city, and if sustained by a vote of two-thirds of the votes polled, such loan shall [be] lawful. All bonds shall specify for what purpose they were issued, and shall not be invalid if sold for less than their par value. And when any bonds are issue by the city, a fund shall be provided to pay the interest and two per cent. per annum on the principal, as a sinking fund to redeem the bonds, which fund shall not be diverted or drawn for any other purpose; and the city treasurer shall honor no draft drawn on said fund, except to pay interest or to redeem the bonds for which it was provided, and for the payment of such loan to levy a special tax, over and above the general tax allowed by this act; provided, the rate of tax shall not exceed one-half of one per cent, and the rate of interest shall not exceed ten per cent; provided, also, no loan shall be made for any other purpose or purposes other than those connected with the corporation of said city; and no loan shall be made to aid any private enterprise, railroad or undertaking not under the management and control of the city council. The sinking fund for the redemption of any loan or debt to be invested as fast as the same accumulates, in United States interest-bearing bonds, bonds of the State of Texas, or in the city bonds, and such bonds, and the interest of said bonds, to be re-invested and to be sold when necessary to pay debts or loans.

Sec. 23. To provide by ordinance special funds for special purposes, and to make the same disbursable only for the purpose for which the fund was created.

Sec. 24. To appropriate money and to provide for the payment of the debts and expenses of the city.

Sec. 25. To provide the city with water; to make, regulate and establish public wells, pumps, cisterns, fountain, hydrants, reservoirs, in the streets or elsewhere,

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within the said city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the citizens; and to make, establish and regulate all irrigating ditches, and have entire control of the same.

Sec. 26. To fill up old ditches, wells, pools, or other places where stagnant water or foul matter may accumulate, to the detriment of the health and convenience of the citizens.

Sec. 27. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce the same within five miles of the city.

Sec. 28. To make regulations to secure the general health of the city, and to prevent and remove nuisances, and to make and prescribe regulations for the cleaning and keeping in order all slaughter houses, stock yards, ware houses, stables, privies, or other places where offensive matter is kept or liable to accumulate.

Sec. 29. To establish, regulate and support night-watch and police, and define the duties thereof.

Sec. 30. To provide for the lighting of the streets and the erection of lamp posts; to exclusively regulate, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys, sidewalks, and elsewhere.

Sec. 31. To erect and establish market houses and market places, and to regulate and govern the same; and to provide for the erection of all other useful and necessary buildings for the use of the city, and for the protection and safety of all property belonging to the city, and to provide for the safety and protection of private property where damages are likely to accrue by the action of the elements.

Sec. 32. To provide for the removal of officers of the city for misconduct, and to create any office or employ any agent they may deem necessary for the good government and interest of the city.

Sec. 33. To regulate the police of the city, and to impose fines for the breach of any ordinance, and provide for the recovery and collection thereof, and in default of payment, to provide for confinement in the city prison or workhouse, or to hard labor in the city.

Sec. 34. To regulate and prescribe the duties and powers and compensation of all officers, agents and employes of the city not herein provided for.

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Sec. 35. To require of all officers or agents of the city, elected or appointed in pursuance of this act, bonds and security for the faithful performance of their duties.

Sec. 36. To have the exclusive power and control over the streets, alleys, sidewalks, lanes, avenues, and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, straighten, extend, establish, abolish, regulate, grade, re-grade, clean, pave, macadamize, or otherwise improve the same; to put drains and sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from any encroachments or injury; to regulate the making of sidewalks, their grade, material, and mode of construction when such sidewalks are made by private persons; to alter and establish the channels of any ditches or water courses within the limits of said city, when the health, safety or convenience of the city may require such to be done, and to wall up or cover said ditches or canals.

Sec. 37. To establish, erect, construct, regulate and keep in repair, bridges, culverts and sewers, sidewalks and crossways, and to regulate the construction and use of the same, and to abate and punish any obstructions or encroachments therein; and the cost of the construction of sidewalks shall be defrayed by the owners of the lot, or part of lot, or block, fronting on the sidewalk; and the cost of any sidewalk constructed by the city shall be collected, if necessary, by sale of the lot, or part of lot, or block, on which it fronts, together with the cost of collection, in such manner as the city council may, by ordinance, provide; and a sale of any lot, or part of lot, or block, to enforce collection of cost of sidewalk, shall convey a good title to the purchaser, and the balance of the proceeds of sale, after paying the amount due the city and cost of sale, shall be paid by the city to the owner.

Sec. 38. To determine the mode of inspection of meat, fish, vegetables, fruit, and every article and thing offered for sale in the market places, and to require the hides and skins of animals slaughtered for sale thereat to be brought to said market or markets, or such other place as to be directed by the mayor or city council, that the marks and brands thereof may be examined by the city marshal or other officer appointed for that purpose, in order that a record be kept of the same for public inspection.

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Sec. 39. To prevent any person from bringing, depositing, or having within the limits of said city any dead carcass, or other offensive or unwholesome substance or matter, and to require the removal or destruction by any person who shall have placed, or caused to be placed, upon or near his premises, or elsewhere, any such substance or matter, filth, or any putrid or unsound beef, pork, fish, hides or skins of any kind, fruits or vegetables; and in default, to authorize the removal or destruction thereof by some officers of the city; and to require the owner of any dead animal to remove the same to such place as may be designated.

Sec. 40. To make such rules and regulations in relation to butchers as they may deem necessary and proper.

Sec. 41. To provide for the enclosing, regulating and improving of all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets, sidewalks and public grounds.

Sec. 42. To erect, establish and regulate one or more work houses, house of correction, and poor houses, and provide for the government and support of the same, and to regulate or prohibit the establishment of private hospitals.

Sec. 43. To prevent, regulate and control the driving of cattle, horses, and all other animals into or through the city.

Sec. 44. To prevent the carrying of deadly weapons within the city limits.

Sec. 45. To prevent the encumbering of the streets, alleys, sidewalks and public grounds with carriages, wagons, carts, hacks, buggies, or any vehicle whatever, boxes, lumber, timber, fire-wood, posts, awnings, signs, or any other substance or material whatever. To compel all persons to keep all weeds, filth, or any kind of rubbish from the sidewalks and streets, gutters, in front of the premises occupied by them; to require and compel the owners to fill up, grade and otherwise improve the sidewalks in front of and adjoining their property. Also to compel owners of property through which any water, ditch or drain runs, to wall up the same.

Sec. 46. To inspect the construction of buildings, and to cause unsafe buildings to be made safe or be removed,

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and to prohibit the use of certain materials deemed unsafe; and to require every person wishing to erect a building in the city to take out a permit for the same, and to keep a register of all buildings, both private and public, erected, of the kind of material used, and of the intention of such buildings.

Sec. 47. To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors, by any person within the city, except by persons duly licensed. To forbid and punish the selling of liquors to any minor or habitual drunkard.

Sec. 48. To provide for and cause to be taken a census of the inhabitants of the city.

Sec. 49. To license, tax, and regulate billiard tables, pin alleys, ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, houses of prostitution or assignation, gambling houses, lotteries, and all fraudulent devices and practices, and all kinds of indecencies.

Sec. 50. To license, tax, and regulate hackmen, draymen, omnibus drivers, and drivers of baggage wagons, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and provide for their protection, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered; and to regulate licenses, and restrain runners for railroads, stages and public houses.

Sec. 51. To license, tax, and regulate, suppress and prohibit theatres, circuses, the exhibition of common showmen, and shows of every kind, and the exhibition of natural and artificial curiosities, caravans, menageries, and musical exhibitions and performances.

Sec. 52. To license, tax and regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, and keepers of theatrical or other exhibitions, shows and amusements.

Sec. 53. To license, tax and regulate merchants, commission merchants, hotels, and boarding house keepers, restaurants, drinking houses or saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermenting liquors are sold; brokers, pawn-brokers, money brokers, real estate agents, insurance brokers, insurance agents and auctioneers, and all other trades, professions, occupations and callings which are taxed by the general laws of the State.

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Sec. 54. To license, tax, regulate and suppress public balls, dances, and all other places of resort and public amusement.

Sec. 55. To suppress, by ordinance, gaming and gambling of all kinds and descriptions, and to prevent the same by forcibly entering all houses used for gaming, and arrest such parties, and punishing all persons engaged in gaming, or any person renting a house for the same, by fine or imprisonment, and to place a police force at the entrance of such houses, and arresting all persons attempting to enter there, until the police have had full admittance to the premises.

Sec. 56. To establish standard weights and measures, to be used within the city in all cases not otherwise provided by law. To require all traders and dealers in merchandise, or property of any kind which is sold by weight or measures, to cause their weights and measures to be tested and sealed by the city seal, and be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law.

Sec. 57. To regulate and provide for the inspection and measuring of lumber, shingles, timber, posts, and all kinds of building materials, and for measuring all kinds of mechanical work, and to appoint one or more inspectors and measurers thereof; exclusively to provide for the measuring of wood and weighing of hay, and the manner and place of selling the same.

Sec. 58. To prevent and suppress any riot, affray, noise, disturbance, or disorderly assembly in any public or private place in the city.

Sec. 59. To prevent any immoderate driving or running of horses or other animals in the streets; to punish the driver of such animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

Sec. 60. To restrain and punish vagrants, mendicants, street beggars, and prostitutes; such punishment to be by fine, imprisonment, or hard labor.

Sec. 61. To prevent the erection of all factories or establishments on the banks of streams or ditches which will befoul or make impure their waters.

Sec. 62. To regulate the weight and quality of bread to be sold and used in the city, and generally, everything relating to bakers, butchers, tavern keepers, restaurants,

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fruit vendors, eating houses and bar rooms, except the price of the articles vended.

Sec. 63. To establish and regulate public grounds, and to regulate the running at large of horses, mules, cattle and sheep; to regulate, restrain and prohibit the running at large of swine or other animals, and to authorize the distraining, impounding and sale of the same, for the costs of the proceeding and penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto.

Sec. 64. To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize the distraining, impounding and destruction of the same, and to impose penalties on the owners and keepers thereof.

Sec. 65. To abate all nuisances which may impair or affect the public health or comfort in any manner they may deem expedient; to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Sec. 66. To compel the owner or occupant of any grocery, soap, tallow or chandler establishment, a blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewer, privy, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary to the health, comfort and convenience of the inhabitants.

Sec. 67. To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables and manufacturing establishments; to direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city, slaughtering establishments and hide houses, or establishments for keeping or curing hides, tallow, offal, and such other substance as may be rendered; and all other establishments or places where nauseous, offensive or unwholesome business may be carried on.

Sec. 68. To regulate the burial of the dead; to purchase, establish and regulate one or more cemeteries; to regulate the registration of deaths; to direct the returning and keeping of bills of mortality, and impose penalties on physicians, sextons and others, for any default in the premises.

Sec. 69. To regulate and determine the times and

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places of bathing and swimming in the waters within said city, and to prevent any obscene or indecent exhibition, exposure, or conduct.

Sec. 70. To abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment; and to define and declare what shall be nuisances, and authorize and direct summary abatement thereof.

Sec. 71. To prevent all boxing matches, sparring exhibitions, cock and dog fighting, bull fighting, and all brutal exhibitions, and punish all persons thus offending.

Sec. 72. To prevent all trespasses, breaches of the peace and good order, assaults and batteries, fighting, quarreling, using abusive and insulting language, misdemeanors, and all disorderly conduct, and punish all persons thus offending.

Sec. 72. To prevent and punish the keeping of houses of prostitution within the city, or within such limits as may be defined by ordinance, and to adopt summary measures for the removal or suppression, or regulation and inspection of all such establishments.

Sec. 74. To direct and control the laying and construction of railroad tracks, turnouts and switches, or prohibit the same in the streets, avenues and alleys, and location of depot grounds within the city; to require that railroad tracks, turnouts and switches, shall be so constructed as to interfere as little as possible with the ordinary travel and use of streets, avenues and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams, carriages, and other vehicles and persons; to require railroad companies to keep in repair the streets, avenues or alleys through which their track may run, and if ordered by the city council, to light the same, and to construct and keep in repair suitable crossings at the intersections of streets, avenues and alleys, ditches, sewers and culverts, when the city council shall deem necessary; to direct the use and regulate the speed of locomotive engines within said city, or prevent and prohibit the use of or running of the same within the city.

Sec. 75. Exclusively to prevent, control and regulate everything connected with city railroads, and to make such rules and regulations for the same as the city council may deem necessary.

Sec. 76. To require the owner, agent or occupant of

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any ground, lots, yards, private drain, sinks and privies to fill up, cleanse, alter, repair, fix and improve the same as may be ordered by the mayor, or any resolution or ordinance of said city; and in the event of any failure, neglect or refusal to comply with such order, the party so failing shall be liable to fine and imprisonment. In the event of there being no person in the city on whom such order can be served, the city may have such work done and such improvement made on account of the owner thereof, and all costs, charges and expenses shall be a lien on the property, on the filing of a memorandum thereof by the mayor, under the seal of the corporation, and recording the same with the district clerk; and the city may enforce said lien and institute suit in the corporate name, and obtain judgment against party for the amount so due as aforesaid, in any court having jurisdiction.

Sec. 77. To inspect all buildings and establishments, and for educational or asylum purposes, to see that the inmates thereof, are properly treated, and to require all institutions, of whatever nature, used as asylums, colleges or boarding schools, to make a report of the number of inmates, and sanitary condition of same, every month.

Sec. 78. The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations not contrary to the Constitution and laws of this State, for the good government, peace and order of the city and the commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties, and imprisonment in the prison, work house, or house of correction, or both, in the discretion of the court before whom conviction may be had, but no fine or penalty shall exceed one hundred dollars, nor the imprisonment more than one month, for any offense; and for any fine, penalty and costs imposed by the mayor in the trial of any cause or complaint before him, execution may issue to collect such fine and costs, to be levied and executed in the same manner that executions are from a justice's court; the same shall be issued by the city clerk, under the corporate seal, to the city marshal, who, in levying on property and selling, shall

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have like power and authority as the sheriff of the county in executions issued from a justice's court; and the laws of the State, so far as applicable, shall apply to and be in full force and effect as to executions issued from the mayor's court and the city marshal executing the same. Any person upon whom any fine or penalty is imposed may be committed until the payment of the same with costs, and in default thereof may be imprisoned in the city prison or work house, or house of correction, or be required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance; provided, such imprisonment shall not exceed one month, unless a larger period is herein allowed, and no suit shall be against the city for damages for imprisonment under its ordinance.

Sec. 79. And no police officer shall be liable for damages for any act committed in the proper discharge of his duties.

Powers of the Mayor.

Sec. 80. The mayor shall have power to sign or veto any ordinance passed by the city council. Any ordinance vetoed by the mayor may be passed over the veto by a vote of two-thirds of the whole number of councilmen elected, notwithstanding the veto; and should the mayor neglect or refuse to sign any ordinance, or return the same, with his objections in writing, at the next meeting of the council, the same shall take effect without his signature. All orders and drafts upon the treasurer for money shall be signed by the mayor, and shall be tested by the city clerk.

Sec. 81. The mayor shall preside at all the meetings of the city council, except as herein otherwise provided, and shall have a casting vote when the council is equally divided, and not otherwise, and shall have the superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city and this act are complied with.

Sec. 82. He shall sign the commissions or appointments of all officers elected and appointed in the city government.

Sec. 83. He shall be a conservator of the peace throughout the city, and shall, at all times, have power, by and

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with the consent of the city council, to appoint any number of special policemen, which he may deem necessary to preserve the peace of the city, and dismiss the same at pleasure.

Sec. 84. He shall, from time to time, communicate to the city council such information and recommend such measures as in his opinion may tend to the improvement of the finances of the city, the police, health, security, ornament, comfort and general prosperity of the city.

Sec. 85. The mayor or any two councilmen shall have power to call special meetings of the city council, the object of which shall be submitted to the council in writing, and the call and object thereof shall be entered upon the journal by the clerk.

Sec. 86. The mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers, and to make report to the council in writing touching any subject or matter he may require pertaining to his office.

Sec. 87. The mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the city, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; he shall have jurisdiction, as may be vested in him by ordinance, over all places within five miles of the corporate limits of the city for the enforcement of any health or quarantine ordinance or regulation thereof.

Sec. 88. The mayor is hereby authorized to call on every male inhabitant of the city over eighteen years of age, and under the age of fifty years, to aid in enforcing the laws and ordinances of the city, and, in case of necessity, to call out the militia within the city to aid in the suppression of any riot, or in the enforcement of any ordinance; and any person who shall not obey such call shall forfeit to the city a fine not exceeding one hundred dollars.

Sec. 89. The mayor shall have power to remit fines and forfeitures, to grant reprieves and pardons for all offenses arising under the ordinances of the city, by and with the consent of the council.

Sec. 90. The mayor shall have power, by and with the consent of the council, to appoint all officers, other than those provided for in this act, that may be deemed by the council necessary for the good government and

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efficient police of the city, and to remove from office, by and with the consent of the council, any person holding an office created by ordinance.

Sec. 91. In case of the temporary absence or illness of the mayor, or in case of vacancy in the office of mayor, the councilmen chosen to act as mayor shall have like power with the mayor to try all cases of the violation of the city ordinances, and it shall be his duty to do so.

Sec. 92. The mayor shall have power to administer oaths of office, and also all other oaths and affirmations, and to give certificates thereof. He shall also have power to solemnize marriages.

Sec. 93. The mayor shall be the chief judicial magistrate of the city; and as such he shall hold a court within said city, by the name of the mayor's court of the city of El Paso, which said court shall have jurisdiction of all infractions of the ordinances of said city, and shall be deemed always open for the trial of said cases. The said court shall have full power, authority and jurisdiction in all cases arising under the ordinances of said corporation, and for any breaches and violations thereof, and of any and all persons thus offending, and to try and determine all suits, actions and complaints charging a violation of any ordinance of said city, and may grant new trials, on motion in writing showing sufficient cause, and duly sworn to. The mayor may require of any person arrested under the provisions of this act, a bond for his or her good behavior, and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city of El Paso. He shall have full power and authority to issue subpoenas for witnesses and to compel their attendance; he may punish all contempts by fine and imprisonment, or either; may issue writs of capias, warrants of arrest, search warrants, executions, and all process known to the law which a justice of the peace of this State may lawfully issue; and all of said writs and process shall be issued, served and executed under the same forms and in the same manner as the like process would be when issued by a justice of the peace, unless herein otherwise provided; but in no case shall any such process be issued by the mayor, or executed, unless it be for a violation or infraction of some ordinance of the city of El Paso; and further provided, that in no case shall he entertain jurisdiction in civil suits. The city

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council shall determine what costs shall be charged in proceedings in and for all process issued in said courts; provided, that said costs shall in no case exceed those allowed by law to justices of the peace in similar cases.

Sec. 94. Persons arraigned for violations of city ordinances demanding a trial by jury, shall deposit with the city clerk the sum of six dollars as security for the payment of the cost of such jury; provided, that when any person so arraigned shall make oath that he or she is unable, from poverty, to make such deposit, then such deposit shall not be required.

Sec. 95. In all cases before the mayor arising under the ordinances of the city, wherein the fine exceeds twenty dollars, or the imprisonment five days, an appeal may be taken by the defendant to the court having criminal jurisdiction in and for the county in which said city is situated; but no such appeal shall be allowed unless such defendant shall, within ten days after conviction, enter into recognizance, and deposit with the district clerk a sum sufficient for the payment of the costs of appeal, should it be determined against appellant. Any person convicted before the mayor of an offense under the ordinances of the city, shall be punished by fine, or imprisonment to hard labor, as may be regulated by ordinance. The city attorney shall, by himself or deputy, appear and prosecute all cases in the mayor's court arising under the ordinances of the city.

Sec. 96. At the first meeting of the city council after the promulgation of the result of the election for mayor and city councilmen, they shall proceed to elect one city marshal, and assistant marshal, or assistant marshals, one city clerk, a city assessor and collector, a city treasurer, a city surveyor and engineers, a city attorney, one or more market masters, a street commissioner, water commissioner, and such police officers and other officers as they may deem necessary for the proper administration of the city government, and for the interests of the city; and shall provide for the dismissal of officers so appointed, for malfeasance, or incompetency, or other cause, and shall fill vacancies as they may occur in the above named offices.

Sec. 97. That the assessor and collector of the city shall make up all the assessments of all property taxed by the city in accordance with this act, and the directions

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of the city council; he shall collect all taxes due the city, and in the event of the non-payment of any taxes, proceed to sell property to raise the amount of taxes due thereon, and shall, in the performance of his duties, observe the provisions of this act and the ordinances of the city relating thereto. He shall give bond in such amouunt as the city council may provide, with good and sufficient sureties; and the city council may require a new bond whenever, in their opinion, the existing bond is insufficient; and whenever such new bond is required, he shall perform no official act until said bond shall be given and approved. He shall, at the expiration of every week, pay to the treasurer all the money by him collected, in the same funds received by him, taking duplicate receipt therefor, one of which shall be filed with the city secretary on the next Monday thereafter, and shall report to the city council, at the first meeting of that body in each month, all moneys so collected and paid; and he shall perform all such other duties, and in such manner, and according to such rules and regulations, as the city council may prescribe. He shall collect all sums due from licenses, to give receipt for the same, as well as for all other money paid him for taxes, and for that purpose said collector shall keep a book containing printed blank receipts, as well as corresponding marginal summaries, and before the delivery of any receipt he shall fill up a blank therefor, as well as the corresponding marginal summary, in said book, leaving therein the corresponding marginal summary as a permanent register of his office, subject to public inspection. He shall produce said register at every regular meeting of the board, and at any special meeting when required. He shall require all persons doing any business for which a license may be necessary, to take out such license. He shall report to the mayor all persons engaged in any business illegally, or without license. He shall give notice to all tax payers, within one week receiving the tax list, by advertising in the official journal of the city, and by posters, that said taxes are due and payable, and when the same may be paid, and generally to comply with such rules and regulations as the city council may prescribe. The collector shall receive such fees and commissions for his services as may be allowed by the city council; provided, such compensation shall not exceed five per cent. on all moneys collected by him.

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Sec. 98. The treasurer for the city shall give bond in favor of the city of El Paso in such amount as may be required by the city council, and with sufficient sureties, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same, upon order of the mayor, attested by the clerk. He shall keep regular and correct accounts of the real, personal and mixed property, and shall render a full and correct monthly statement of his receipts and payments to the city council, and whensoever at other times he may be required by them to do, and shall do and perform such other acts and duties as the city council may require, and for his services shall receive such compensation as shall be fixed by the city council, not to exceed two per cent, on all money that may come into his hands by virtue of his office.

Sec. 99. The powers and duties of the street commissioner, and the salary for his services, shall be prescribed by resolution or ordinance of the city council.

Sec. 100. The powers and duties of the city sexton, market master, water commissioners, policemen, and other officers not herein named, and the salary thereof, shall defined by the mayor and city council.

Sec. 101. The city marshal, either in person or by deputy, shall attend upon the mayor's court while said court is in session, and shall promptly and faithfully execute all writs and process issued from said court; he shall also attend all general and special meetings of the city council; he shall be the chief police officer of city under the mayor; he shall have like power with the sheriff of the county to execute the writ of search warrant; he shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take in custody all persons so offending against the peace of the community; and shall have authority to take suitable and sufficient bail for the appearance before the mayor's court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest all violators of the public peace, and all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbances whatsoever; to prevent a breach of the peace, or to preserve quiet and

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good order. He shall have authority to close any theatre, bar-room, ball room, drinking house, or other place or building of public resort, in the prevention and suppression of crime and arrest of offenders. He shall have powers, and execute like powers, authority and jurisdiction, as the sheriff of a county under the laws of the State within the city limits. He shall receive the same fees as the sheriff and constables of a county do by law for like services; and he shall give such bond for the faithful performance of his duties as the city council may require; and he shall perform such other duties, and have such other powers, rights and authority, as the city council may by ordinance require and confer, not inconsistent with the Constitution and laws of the State.

Sec. 102. The assistant marshal, or asssistant marshals, shall have the same power and authority as the city marshal, and perform the same duties as the marshal.

Sec. 103. The duties of the engineer and surveyor shall be fixed by the city council, and also his compensation, and the fees he shall be allowed for all work done for the city or private individuals as city engineer and surveyor, as well as the amount of bond he shall give for the faithful performance of his duties.

Sec. 104. The city attorney shall, by himself or deputy, appear and prosecute all cases in the mayor's court, arising under the ordinances of the city. He shall attend upon the meetings of the city council to give his advice and counsel; he shall give his legal opinion upon all legal questions arising under the city government; he shall aid, when called upon, to revise or draw up any ordinance of the city, and for this service he shall receive no extra compensation other than his saalry, and such fees as the city council may see fit to allow for convictions before the mayor's court.

Sec. 105. That it shall be the duty of the city clerk to attend every meeting of the city council, and keep accurate minutes of the proceedings thereof, in a book to be provided for that purpose; engross and enroll all laws, resolutions and ordinances of the said city council; to keep the corporate seal; to take charge of, preserve and keep in order all the books, records, papers, documents and files of said city; to countersign all commissions issued to the city officers, and licenses issued by the mayor, and to keep a record or register thereof; and to make out all

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notices required under any regulation or ordinance of the city. He shall draw all warrants on the treasurer, and countersign the same, and keep an accurate account thereof in a book to be provided for the purpose. He shall also be clerk of the mayor's court, and shall have custody of all books and papers belonging to said court. He shall make out all process and writs, and enter upon a docket all complaints for violation or infraction of city ordinances before the mayor, and his judgment or sentence therein. He shall have power and authority to administer all oaths and affirmations, and as clerk of said court shall be entitled to such fees as are allowed the clerk of the district court for like services. The city clerk shall be the general accountant of the corporation, and shall keep in books regular accounts of all receipts and disbursements for the city, and separately, under proper heads, each cause of receipt and disbursement, and also accounts with each person, including officers who have money transactions with the city, crediting amounts allowed by proper authority, and charging each with all warrants drawn in his favor, and specifying the particular transaction to which such entries apply. He shall keep a financial record of the city in a proper book-keeping style, and publish a statement thereof at the end of each quarter. He shall also keep a register of bonds and bills issued by the city, and of all evidence of debt due and payable to it, noting the particulars thereof, and of all facts connected therewith as they occur. He shall carefully keep all contracts made by the city, and he shall do and perform all such other duties as may be required of him by any law, ordinance, resolution or order of the city council. He shall receive for his services such compensation as the city council may prescribe.

Sec. 106. The duties of all officers not herein mentioned shall be regulated and fixed by the city council.

Of Taxation.

Sec. 107. The city council shall have power within the city, by ordinance, to annually levy and collect taxes for general purposes, not exceeding one per cent, on the annexed value of all real and personal estate and property in the city.

Sec. 108. To levy and collect special taxes for special

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purposes; provided, such special taxes shall not exceed one-half of one per cent. on the property taxed annually.

Sec. 109. That the city council shall have power to levy and collect taxes, commonly known as licenses, upon trades, professions, callings, and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons, and other vehicles used in said city, and whether the same are for public or private use. That each and every person and firm engaged in the following trades, professions, callings and business, among others, shall be liable to pay such license tax, but this enumeration shall not be construed to deprive the city council of the right and power to levy and collect other license taxes, and from other persons and firms, under the general authority herein granted: Every member in said city, and every person and firm engaged in selling good, wares, or merchandise; every person and firm selling liquor in quantities over a quart; every person or firm keeping a grog shop, tippling house, bar room or drinking saloon; every person or firm keeping a place where spirituous liquors, wines or beer is sold in quantities less than one quart; every person or firm keeping a billiard table, ball alley, or nine or ten pin alley, or any similar game; every person or firm keeping a tavern, hotel or boarding house; every person or firm keeping a restaurant, eating house, oyster shop, oyster saloon, or place of any description where eatables or refreshments are furnished; every person or firm keeping a livery stable or stables; every person or firm selling goods, wares, the occupation of real estate broker or agent, merchandise or produce broker, or commission business; any person or firm pursuing the occupation of hawkers, a peddler of goods or any articles whatever; every firm or person keeping a brewery, beer shop or distillery; any person or firm keeping any storage warehouse, or engaged in any manufacturer's business, keeping an intelligence office; each and ever insurance company, or agent of insurance company, shall all be liable to pay said city license tax; and every agent of insurance companies shall be held responsible for each association, corporation or company of which he is agent.

Sec. 110. That each and every person or firm selling goods, wares or merchandise, within said city, by the sample, card or other specimen, or by a written, printed.

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trade list or catalogue, shall also be subject to and pay said license tax; provided, this last provision shall not apply to merchants doing business within said city, and duly licensed. Any person or firm pursuing occupations, business avocation, or calling subject to a license tax, shall pay on each; and no license shall extend to more than one establishment, or include more than one occupation, business or calling.

Sec. 111. The city council shall have power to provide by ordinance for the assessing and collecting of the taxes aforesaid, and determine when taxes shall be paid by corporations, and when by the individual corporators; provided, no tax shall be levied unless by consent of two-thirds of the aldermen elected under this act.

Sec. 112. The license tax shall be collected by the assessor and collector, and shall be paid to that officer by each and every person or firm or corporation owing such license. Upon the presentation of the receipt of the assessor and collector, the city clerk shall issue the license under the corporate seal of the city, signed by the mayor and the city clerk. That if any person shall engage in any business, calling, avocation or occupation which, by ordinance, is subject to license tax without first having obtained said license, he, she or they shall be liable to imprisonment and a fine of ten dollars for each day said violation of said ordinance may continue; and this section shall apply to all persons owing any license and failing to pay the same. Said taxes, commonly known as licenses, laid as herein provided, shall not be construed to be a tax on property within the meaning of any other section of this act.

Sec. 113. That the term "real estate" or "property" as used in this act, shall be construed to include lots, lands, and all buildings or machinery and structures of every kind erected upon or affixed to the same.

Sec. 114. That the term "personal estate" or "property" as used in this act, shall be so construed to include all household furniture, moneys, goods, capital, chattel, all public stocks, and stocks in corporations, moneyed or otherwise, and generally all property which is not real.

Sec. 115. That all property exempt from taxation under the laws of the State shall be exempt from taxes imposed or authorized by this act; and the city council may, by ordinance, provide for the exemption from taxa-

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tion of such other property as they may deem just and proper; provided, nothing contained under this title of taxation shall be construed to prevent the city council from imposing levying and collecting special taxes, for the improvement of avenues, streams, ditches, streets and alleys, as hereinafter provided.

Collection of Taxes.

Sec. 116. That the city council may, and shall have full power to provide, by ordinance, for the prompt collection of all taxes assessed, levied and imposed by this act, hereby authorized and due to the said city, and to that end may and shall have power and authority to sell real as well as personal property, and may and shall make all such rules and regulations, and ordain and pass all such ordinances, as they may deem necessary to the levying, laying, imposing, assessing and collecting of any of the taxes herein provided.

Sec. 117. The assessor and collector shall, when any property has been sold for the payment of taxes, make, execute, and deliver a deed for said property to the person or persons purchasing the same, and said deed shall be prima facie evidence in all controversies and suits in relation to the right of the purchaser, his, her or their heirs and assigns, to the premises hereby conveyed, of the following facts:

Sec. 118. First, that the land or lot, or portion thereof, conveyed was subject to taxation or assessment at the time the same was adverised for sale, and had been listed or assessed in the time and manner prescribed by law. Second, that the taxes or assessments were not paid at any time before the sale. Third, that the land, lot, or portion thereof conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts. First, that the land, lot or portion thereof sold was advertised for sale in the manner and for the length of time prescribed by law; second, that the property was sold for taxes or assessments as stated in the deed; third, that the grantee in the deed was the original purchaser; fourth, that the sale was conducted in the manner prescribed by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the

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person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the land had never been listed and assessed for taxation or assessment as required by this act or some ordinance of the city, or that the same had been rendered [redeemed] according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the law; but no person shall be permitted to question the title acquired to the said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained after the sale, and that all taxes due upon the land have been paid by such person, or the persons under whom he claims title, as aforesaid; provided, however, that the owner of such property shall have the right to redeem the same at any time within two years of the day and date of sale thereof, upon paying to the purchaser double the amount of taxes for which the same was sold, togther with the cost of such sale and double the amount of all taxes paid by the purchaser since such sale. The assessor and collector shall be entitled to charge the following fees: For each levy, one dollar; advertising, two dollars on each piece of property; for a deed, two dollars; for certificate of redemption, one dollar. The assessor and collector shall have full power to levy upon any personal property to satisfy any tax imposed by this act. All taxes shall be a lien upon the property upon which they are assessed. And in case any property levied upon is about to be removed out of the city, the assessor and collector shall proceed to take into his possession so much thereof as will pay the taxes assessed and costs of collection.

Sec. 119. If, from any cause, the sale of property levied upon or seized for taxes shall not take place at the time first appointed, the assessor and collector shall appoint some other time, give like notice, and proceed to sell such property in the manner prescribed in the first instance, and in case said property levied upon or seized for taxes cannot be sold on the day advertised, such sale may be postponed from day to day, until completed, of which postponement the collector shall give verbal notice at the expiration of sale each day.

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Sec. 120. If, at any sale of real or personal property, or estate for taxes, no bid shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a deed for said property, and shall be vested with the same rights as other purchasers at such sales, and shall have power to sell and convey the same.

Sec. 121. If the real estate of any infant, feme covert, or lunatic, be sold under this act, the same may be redeemed at anv time within one year after such disability be removed.

Sec. 122. That if any person shall fail, neglect, or refuse to pay the taxes imposed upon him or her, and his or her property, within the time prescribed by ordinance of said city, the assessor and collector shall, by virtue of his tax lists and assessment rolls, levy upon so much property liable to taxation belonging to such persons as may be sufficient to pay his, her or their taxes; and the assessor and collector shall give notice of the time and place of sale by advertisement, in writing, giving the name of the party (if not unknown property), the property, and the amount of taxes, costs, and fees due thereon. Such notice shall be advertised in the official journal of the city, and also posted at the mayor's office, the assessor and collector's office, and two at different public places in the city; and at the expiration of such notice, and on the day therein specified, the assessor and collector shall proceed to sell such property at public auction, in front of the court house door of the county of El Paso, or such other building as may be used for that purpose; provided, that when real or personal property is offered for sale, the smallest portion of ground shall be sold for which any person will take the same and pay the taxes, costs and fees.

Sec. 123. The assessor and collector, after the completion of the assessment rolls as required by ordinance, shall proceed to collect the taxes therein mentioned, within the time, and give such notice as may be prescribed by the city council; and for that purpose shall call once upon every person taxed, or on the agent or attorney of such person, at the usual place of his or her residence, office, place of business, or elsewhere, and demand the payment of the taxes charged upon his or her personal property, if the person is to be found; if not,

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then a written demand, specifying the amount of taxes due, left at the residence, with some member of the family over fourteen years of age, shall be a sufficient demand; provided, that if any person thus owing taxes has no residence, office, or place of business, and no agent in the city, or none known to the assessor and collector, then the said demand shall not be necessary, and the ordinary published notice required by ordinance shall be sufficient.

Sec. 124. It shall be the duty of the assessor and collector, at the expiration of the time fixed by ordinance for the rendition of property, to ascertain what property in the city subject to taxation has not been given in, and a list of all such property as is subject to taxation shall be by him presented to the board of appeal, in a supplement to the assessment roll, as unknown, specifying the year for which said tax is due, and the amount thereof; and if said tax is not paid within the time prescribed by law, said property shall be sold at the same time, and with like effect as other property.

Sec. 125. Whenever the assessor and collector shall ascertain that any taxable inhabitants, real or personal property, have not been assessed for any past year, he shall assess the same in his next assessment roll (in a supplement thereto), at the same rate under which such inhabitants and property should have been assessed for such year, stating the years which such inhabitants or property should have been assessed, and the taxes thereon shall be collected in the same manner as other assessments. In all cases where any party has omitted to render property for any former year or years, and such taxes have not been paid, such party shall give such property in for assessment for the years thus omitted, and pay said taxes, and the assessor and collector shall enter such property in a supplement to his next assessment roll, under the head of payments for former years.

Sec. 126. It shall be the duty of the assessor and collector to assess and return, within the time fixed by the board, all property subject to taxation, and to make out a list of such property, describing as near as possible the quantity, streets and bounds of real estate, and the value of the grounds, and that of the improvements, separately, and to make out a list of all personal property and return the same assessed; and all property not returned to the

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assessor and collector according to the provisions of this act, he shall proceed to assess the same in the name of the owner, if he be known, and if not, then it shall be assessed by description of the property and last known owner; and the value of all such property shall be determined by the board of revision and appeal, and the same may be sold as in other cases, if the tax be not paid in the time prescribed by law, the assessment be made according to law, and the directions given by the city council.

Sec. 127. The city council, or at least the mayor and three members of said council, shall sit as a board of appeal and revision, to whom shall be submitted by the assessor and collector the tax list, and before whom persons feeling aggrieved may appeal in writing, stating his or her grievances. They shall have [hear] and determine all such appeals in a summary manner, correct errors, appraise all property assessed as unknown, and increase or diminish any assessment as they may see fit. After the board have revised such tax list, the city clerk shall make out a correct list and enter the amendments due from each person, and it shall be immediately delivered to the assessor and collector, who shall give a receipt for the aggregate amount thereof, which shall be charged to him. If, after or before payment of taxes by any person, any error is discovered in amount, such error shall be corrected by the board on application in writing, and the overcharge, if paid, shall be refunded to the person having paid the same.

Sec. 128. Every person, partnership and corporation owning property within the limits of the corporation shall, within two months after published notice, hand in to the assessor and collector of the city a full and complete inventory of the property possessed or controlled by him, her or them within the said limits, not exempt from taxation, on the first day of March of the current year, verified as required by ordinance; and any person failing or refusing to comply with the provisions of this section shall be liable to fine and imprisonment; and the city council shall, by ordinance, clearly define the duties of tax-payers herein, and make all necessary rules and regulations to secure the rendition of property and the collection of the taxes due thereon.

Sec. 129. The city council shall have power, by ordinance, to regulate the mode and manner of making out

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tax lists or inventories, and the appraisement of property, and to prescribe the form of oath that shall be administered to each person on such rendition of property, and to prescribe when and how property shall thus be rendered, and to prescribe the number and form of assessment rolls, and fix the duties and define the powers of the assessor and collector, and adopt such measures as they may deem advisable to secure the assessment of all property within the limits of said city, and collect the tax thereupon; and may, by ordinance, provide that any person, firm or corporation, having property subject to taxation, or being liable for any tax under the provisions of this act, and neglecting to render a list, inventory and appraisement thereof, as required by any ordinance of said city, shall be liable to fine and imprisonment.

Sec. 130. The city council shall be invested with full power and authority to grade and macadamize, pave, repair or otherwise improve any avenue, street or alley, or any portion thereof, within the limits of the city, whenever, by a vote of two-thirds of the aldermen elected or appointed, they may deem such improvement for the public interest; provided, the city council shall pay one-third, and the owners of the property two-thirds thereof, except the intersections of streets, from lot to lot, across the streets either way, which shall be paid for by the city alone.

Sec. 131. Every ordinance imposing any penalty, fine, imprisonment or forfeiture, for violation of its provisions, shall, after the passage thereof, be published by posting printed copies, signed by the mayor and city clerk, and attested by the city seal, in at least three prominent places in each ward in said city; and no such ordinance shall go into effect until it has been so published for five days, and whenever practicable all ordinances requiring publication shall be published in at least one newspaper published in said city. Ordinances passed by the city council, and requiring publication, shall be in force from and after the publication thereof, unless it be therein otherwise expressly provided. Ordinances not requiring publication shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided. There shall be a digest of the ordinances of the city, which are of a general nature, published as soon as practicable after the passage of this act, and every two

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years thereafter; provided, it shall be the duty of the city council to cause to be printed in pamphlet form, at the end of each municipal year, all the ordinances passed for the year past and then in force.

Sec. 132. All ordinances of the city, when printed and published by authority of the city council, shall be admitted and received in all courts and places without further proof.

Sec. 133. The style of all ordinances shall be, "Be it ordained by the city council of the city of El Paso," but may be omitted when published in the form of book or pamphlet.

Sec. 134. Whenever any person has been required by the recorder, or mayor, acting as recorder, to give bond or bonds for good behavior, or any similar bond, and complied with such order, and been guilty of a violation or infraction of any such bond, and the same is proven or established, to the satisfaction of that officer, in any trial or complaint, such party so offending may be fined in the sum of five hundred dollars, and imprisonment for six months; and the city, in its corporate name, may sue in any court having jurisdiction for the recovery of the penalty of such bond.

Sec. 135. In all cases where any provisions of this act, or by any ordinance passed in pursuance thereof, a person is required to obtain a license for any calling, occcupation, business or vocation, and has, on complaint before the recorder, been adjudged guilty of violating any rule, regulation, or ordinance of the city council, in relation thereto, the recorder, in addition to fine and imprisonment, or either, may suspend or revoke the license so granted.

Sec. 136. Warrants drawn upon the city treasurer for payment of money shall be for immediate payment, and will not be received for taxes or other dues due the city, and not to be considered a circulating medium; and the mayor is forbidden to draw warrants upon the treasurer, only under specific appropriation, and not beyond the amount appropriated by the city council, for all purposes under the city government.

Sec. 137. Two-thirds of the city councilmen shall be a quorum to transact business.

Sec. 138. The mayor shall report to the city council a monthly exhibit of the financial affairs of the city, and

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shall, at each meeting of the city council, render an account of all fines and penalties assessed by his court.

Sec. 139. The city marshal shall report each month to the city council, and at any other time when required to do so by the council, a statement of all fines and penalties collected by him, with the treasurer's receipt therefor; and it is hereby made his duty to pay to the treasurer all fines and penalties which he may collect by order of the mayor's court, within twenty-four hours after he has made such collections.

Sec. 140. The policemen of the city shall have power to arrest all offenders against the ordinaces of the city, by day or by night, and keep them in the city prison to prevent their escape until they can be brought before the proper officer. The policemen of the city, and assistant marshal, or marshals, in the discharge of their duties, shall be subject to the orders of the mayor and marshal only. The city marshals and policemen may arrest any person committing any offense against the peace of the city, or a breach of any city ordinance committed in their presence, or on complaint of any person, without a warrant. Policemen serving warrants for the arrest of persons shall be deemed the deputies of the city marshal, and shall have the same powers, and receive the same fees for like services, as constables under the State laws, within the city limits.

Sec. 141. The marshal, in the discharge of his duty, shall be subject to the orders of the mayor only.

Sec. 142. The duties, powers and privileges of all officers of any character, in any way connected with the city government, and not herein defined, shall be defined by ordinance of the mayor and council.

Sec. 143. Lands, houses, moneys, debts due the city, and personal and real property, and assets of every description belonging to the city, shall be exempt from execution and sale; but the city shall make provision, by taxation, or otherwise, for the payment of any and all indebtedness due by the city.

Sec. 144. No person shall be an incompetent judge, justice, councilman, or juror, by reason of his being an inhabitant or freeholder in the city of El Paso, in any action or proceeding in which said city may be a party in interest.

Sec. 145. When, by the provision of this act, the

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city council have power to pass ordinances on any subject, they may prescribe any penalty, not exceeding one hundred dollars, for the violation thereof, and imprisonment not to exceed one month, and in case of the imposition of a fine and non-payment, may provide that the party convicted be committed to the jail or house of correction, or be required to work on the alleys, avenues, streets, or any public work of the city, for such time as the city council by ordinance may provide.

Sec. 146. It shall not be necessary, in any action, suit, or proceeding in which the city of El Paso shall be a party, for any bond, undertaking or security to be executed in behalf of the city, but all such actions, suits and proceedings shall be conducted the same as if such bond, undertaking or security had been given; and for all purposes of such actions, suits or proceedings, the city shall be liable in the same manner and to the same extent as if the bond, undertaking or security required in other cases, had been duly given and executed.

Sec. 147. The city council shall have power to prescribe the duties of all the officers and persons appointed by them, or elected to any office or place whatever, subject to the provisions of this act; to revoke any license given under this act; to remit, in whole or in part, and on such conditions as shall be deemed proper, by a vote of two-thirds of all the members present, any fine or penalty belonging to the city, which may be imposed or incurred under this act, or under any ordinance or regulation in pursuance thereof.

Sec. 148. The members of the city council shall be exempt from jury service during their term of office.

Sec. 149. The office of city councilman shall not be deemed an office of profit; and any person holding office under the State or National government shall be eligible to the office of city councilman of said city.

Sec. 150. The city council shall have power to remove any officer appointed or elected by them, for incompetency, corruption, misconduct or malfeasance in office, after due notice and oppportunity to be heard in his defense; and in addition to the foregoing power of removal, the city council shall have power, at any time, to remove any officer of the corporation, elected by them, by resolution declaratory of its want of confidence in said officer; provided, that two-thirds of the councilmen elected shall vote in favor of said resolution.

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Sec. 151. Whenever any person shall be removed from any office, or the term for which he was appointed or elected has expired, or he has resigned or ceased to act in such official capacity, he shall deliver over to his successor all books, papers and effects in any way appertaining to his office. Every person violating this provision shall be guilty of a misdemeanor, and shall be deemed an offender within the meaning of any law of the State punishing such offense, and in addition thereto shall, on conviction before the mayor, be fined in any sum not exceeding one hundred dollars, and imprisonment for any time not exceeding one month, or either; and any officer who shall have been entrusted with the collection or custody of funds belonging to said city, who shall be in default to said city, besides being liable to criminal prosecution and a civil action for debt, shall thereafter be incapable of holding any office under said city until the amount of his defalcation shall have been fully paid to said city, with twelve per cent. interest.

Sec. 152. That no member of the city council shall hold any office or employment under the city government while he is a member of said city council, unless herein otherwise provided.

Sec. 153. Resignation by any officer authorized to be elected or appointed by this act shall be made to the city council in writing, subject to their approval and acceptance; provided, that nothing in this act contained shall apply to appointments by the mayor; and any such apppointee wishing to resign, shall present his resignation to that officer in writing, for his action.

Sec. 154. All fines, forfeitures and penalties for the breach or violation of any provision of this act, or of any regulation, order or ordinance of the city, shall, when collected, be paid into the city treasury for the use and benefit of said city.

Sec. 155. That Allen Blacker, Joseph Magoffin, Samuel Schultz, B. S. Dowell and A. H. French, be and they are hereby appointed a board of commissioners for the purpose of holding the first election for mayor and councilmen, as provided for in this act; and said board of commissioners, or a majority of them, shall have all the powers for that purpose that is conferred by this act on the mayor and city council; and said board shall give notice of said election in the manner prescribed in this

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act. They shall appoint a registrar and judges, and provide for the election; receive and canvass the returns, and publish the result, and do and perform all other acts necessary to be done, which would be lawful if done by the mayor and city council under the provisions of this act; and should any of said board fail or refuse to act, it shall be competent for the others to choose some suitable person to fill said vacancy.

Sec. 156. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places; and this act shall take effect and be in force from and after its passage.

Approved May 17th, 1873.

CHAPTER CLXXXII.

An Act to amend Sections thirteen (13), fourteen (14), sixteen (16) and seventeen (17), of an Act entitled "An Act to incorporate the town of Palestine, in Anderson County."

Be it enacted by the Legislature of the State of Texas, That sections thirteen (13), fourteen (14), and sixteen (16), of "An Act to incorporate the town of Palestine, in the county of Anderson," be so amended as to read as follows, to-wit: Sec. 13. The mayor and board of aldermen, sitting as the town council, shall hold stated meetings, and the mayor, of his own motion, or on the applicatiou of three aldermen, may call special meetings of the council, by notice to each of said aldermen, served personally or left at their usual abode. Petitions and remonstrances may be presented to the town council in writing only; and the council shall determine the rules of its own proceedings, and shall have power to compel the attendance of absent members, and to punish them for disorderly conduct, and with the consent of two-thirds of the whole number of aldermen, may expel a member; and shall have the management and control of the finances, and all other property, real, personal and mixed, belonging to said corporation; and shall likewise have power and authority by ordinance,

First—To borrow money upon the credit of said town,

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and to issue bonds of the town therefor; but no sum of money shall be borrowed at a greater rate of interest than at the rate of ten per centum per annum. All bonds shall specify for what purpose they were issued, and shall not be sold for less than their par value; and provided further, that the bonded debt of said town shall not at any one time be greater or exceed the amount of three thousand dollars, unless by the consent of two-thirds of the qualified voters of said town, as expressed by an election to be held for that purpose, whenever ordered by the town council; provided, that the mayor shall be required to publish twenty days' notice of any such election.

Second—To appropriate money, and to provide for the payment of the debts and expenses of the town; to make regulations to prevent the introduction of contagious diseases in the town, and to make quarantine and other regulations for the preservation of health within said town and within one mile thereof, and to enforce such regulations; to establish cisterns and reservoirs in the streets or elsewhere within the town, for the extinguishment of fires and convenience of the inhabitants, and to prevent the unnecessary waste of water.

Third—To establish and regulate markets and market houses; designate, control and regulate market places and privileges; prohibit and punish the opening or establishment of private markets, and inspect and determine the mode of inspection of meats, and every article exposed for sale. To provide for the enclosing and improving of all public grounds and cemeteries, and to direct and regulate the planting and preserving of ornamental and shade trees in the town. To prevent the encumbering of the streets, alleys and sidewalks with any vehicles, boxes, fire-wood, awnings, or any substances whatever. To compel all persons to keep all weeds, filth, and any kind of rubbish from the sidewalks, streets and gutters in front of the premises occupied by them. To require and compel the owners of property to fill up, grade, and otherwise improve the sidewalks in front of and adjoining their premises.

Fourth—To create, establish and regulate the police of the town; to appoint watchmen, policemen, and prescribe their duties and powers.

Fifth—To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; to punish

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the abuse of animals. To tax and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to the ordinance, and impose penalties on the owners or keepers thereof.

Sixth—To punish and restrain vagrants, mendicants, street beggars and prostitutes. To restrain and prohibit the rolling of hoops, flying of kites, firing fire-crackers, firearms, or other fireworks, or any other amusements or practices tending to annoy persons passing on the streets, or frighten horses or teams.

Seventh—To direct the location of, and restrain and prohibit, within the town, slaughtering establishments; to abate, suppress and remove nuisances, and to punish the authors and all persons engaged in the perpetration thereof, and to define and declare what shall be nuisances; to compel and force all offenders against any ordinances of the town found guilty before the mayor and sentenced to pay a fine, to labor upon the streets or other works, under such regulations as may be established; to prevent all trespasses and breaches of the peace and good order, assaults, assaults and batteries, fighting, quarreling, using abusive, insulting or obscene language, and all disorderly conduct, and to punish persons thus offending; to prevent and suppress any riot, affray, noise, disturbance, or disorderly assembly, in any public or private place, and to punish any and all persons inciting or engaged in such offenses. To suppress and punish the keeping houses of prostitution or ill-fame. To require the owner, agent or occupant of any ground, lots, yard, private drains, privies, to fill up, cleanse, drain and improve the same as may be required, and to punish any party failing to comply with such regulations. To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets, avenues and alleys, with the tracks of such railroads, and to direct the use and regulate the speed of locomotive engines within said town. To lay out and define the extent of the fire limits in said town, and to regulate the building and construction of chimneys and flues, and to appoint commissioners to inspect all chimneys and flues within said fire limits and report thereon; to prohibit and suppress the building, construction and establishment, within the fire limits, of bake ovens, founderies, furnaces, or other buildings or establishments causing extra hazard to the town from fire; to

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compel the owners or occupants of buildings and premises within the fire limits to provide suitable fire buckets, and other apparatus for the extinguishment of fires as may be deemed proper, and to make such regulations and bylaws for the government of said corporation, and for the peace, quiet, good order, and happiness of the citizens of the same, not inconsistent with the laws of the State, as may be deemed proper, and may impose fines and penalties for the violation of any ordinance, regulation or by-law of said corporation, not to exceed one hundred dollars in any one case, or imprisonment not to exceed thirty days.

Sec. 14. That the mayor and board of aldermen shall have and exercise control over the public square, streets, alleys and sidewalks in said town, and shall have power and authority, by and with the written consent of the owners of the property lying and being situate on each side of such alley, to close up and discontinue any such alley, which they may deem best for the interest and convenience of said town, and may sell the said alley so closed up and discontinued, in such manner and upon such terms as they see proper.

Sec. 16. That the mayor and board of aldermen shall have power to license, tax and regulate hawkers, peddlers, auctions, theatricals, circuses, shows, amusements, and every and all kinds of exhibitions, billiard tables, Jenny Lind, pigeon hole, bagatelle, and tables of like kind and character; nine and ten pin alleys, groceries, saloons, tippling houses and dram shops, public hacks, drays and draymen, and wagons; and to tax and license all professions, occupations, callings and other businesses, followed and carried on in said town, licensed and taxed by the laws of the State, not to exceed one-half of the State tax; to regulate disorderly houses, tippling houses or shops, and groceries, bawdy houses, houses of prostitution, dance houses, gambling and gambling houses, lotteries, and all fraudulent devices and practices.

Sec. 17. That in the temporary absence of the mayor, or if he be disqualified by law from acting, the recorder of said town shall be the mayor pro tempore, with all the powers of the mayor.

Approved May 17th, 1873.

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CHAPTER CLXXXIII.

An Act to incorporate the "Hallville Masonic Institute," at Hallville, Harrison County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. P. Jose, W. A. Smith, R. A. Hatley, W. R. Balding, and B. D. Whitehorn, and their succcessors in office, be and they are hereby constituted a body politic and corporate, for educational purposes, by the name and style of the "Hallville Masonic Institute;" by which name they may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed; may have a seal to authenticate their acts, for the purpose and object of maintaining an institution of learning at Hallville, Harrison county, Texas.

Sec. 2. That the management of said institution shall be vested in the above named persons and their successors, as a board of trustees, and they shall elect one of their number chairman of the board; they shall also elect a secretary and treasurer. Said board shall have power to elect one president and as many professors and teachers in the institute as the educational interests may require; to assign the curriculum of studies, and fix the salaries of each.

Sec. 3. That the faculty shall consist of the president, professors and teachers, and shall have powers to enforce all laws adopted by the board of trustees for the government of the institute, by such measures as may be considered reasonable.

Sec. 4. The board of trustees, conjointly with the faculty, shall have power to confer degrees in the arts and sciences upon any student of the institute as they may consider worthy, as are conferred by other colleges of like grade, and to grant certificates thereof, signed by the faculty and trustees.

Sec. 5. That the corporation shall be competent to receive contributions, gifts, donations and bequests of real and personal property of any kind; and all donations and bequests to said institute shall be good and binding by the persons making the same.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved May 17th, 1873.

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CHAPTER CLXXXIV.

An Act to incorporate the Town of Zavala, in the County of Smith.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the Town of Zavala, in the county of Smith, be and they are hereby declared to be a body politic and corporate, to be known by the name of the "Town of Zavala;" and by that name may sue and be sued, plead and be impleaded; have and use a corporate seal; and buy, hold or convey property, real or personal, within its corporate limits; which limits shall be so laid off by the surveyor of Smith county, at the expense of said town, as to be one mile square, with the railroad depot in said town as the center; and the field notes of said survey, as made by said surveyor, shall be filed by the mayor of said town, when elected, in the County Court of Smith county.

Sec. 2. That A. A. Coupland, F. D. Fitch, and A. G. Tomme, are hereby appointed commissioners; and by this act, they or any two of them, are authorized and required, within sixty days after its passage, after ten days' notice duly posted in three prominent places in said town, to hold an election for a mayor, five aldermen, and a constable, who shall be ex-officio assessor and collector of taxes for said town; and said mayor and aldermen, constituting the council, shall elect a treasurer and secretary; and the treasurer, and assessor and collector of taxes, shall give bond for the faithful performance of duty. And at the election above provided for, any person who is a qualified voter in the county, and shall have resided within the limits of said town for a period of four months preceding such elections, shall be a qualified elector of said town.

Sec. 3. The town council of said town shall have power to pass and enforce such rules, regulations and ordinances as may be necessary for the preservation of good order within its limits; for the levying of taxes; removal of nuisances; keeping the streets in order; and for all other purposes tending to the preservation of peace and good order; the power to prescribe and enforce penalties for non-payment of taxes, and for violation of the ordinances; provided, that no tax shall be levied or collected to exceed

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the one-half of the State tax; and further provided, that no penalty shall be imposed to exceed the sum of one hundred dollars, or imprisonment to exceed one week.

Sec. 4. That at the time fixed by the Legislature for the next election of members of the Legislature, and every two years thereafter, an election shall be held in said town for mayor, aldermen, and constable; and in case of vacancies in any of said offices, the same shall be filled by the town council; and the salaries of said officers shall be determined by the council.

Sec. 5. The mayor of said town is hereby invested with the criminal jurisdiction of a justice of the peace within the corporate limits of said town, and shall be entitled to such fees as are by law allowed to justices of the peace for similar services; and the constable, in issuing and returning any process from the mayor's court, to such fees as are allowed by law to sheriffs for similar services.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved May 17th, 1873.

CHAPTER CLXXXV.

An Act to amend an Act entitled "An Act to organize and incorporate the East Line and Red River Railroad Company," approved March 22d, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section eight (8) of an act entitled "An act to organize and incorporate the East Line and Red River Railroad Company," approved March 22d, 1871, be and the same is hereby amended so as hereafter to read as follows, viz: Sec. 8. That said company shall have completed and put in running order twenty miles of their said railroad within eighteen months, and complete the main trunk thereof from the city of Jefferson to the town of Gainesville, in Cooke county, via Whitesboro, in Grayson county, in four years from the passage of this act; and establish and maintain depots within the corporate limits of said towns of Gainesville and Whitesboro; and the western division shall be completed in five years thereafter; and in default thereof shall forfeit all the franchises

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hereby granted, except as to the part thereof which may be completed.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 17th, 1873.

CHAPTER CLXXXVI.

An Act for the relief of the Heirs of Anthony McGee.

Whereas, It appears by the records of the Land Office of the State of Texas, that a title to one league of land was issued by George Antonio Nixon to Anthony McGee, as a colonist in Zavala's Colony, and as a married man, on the fifteenth day of October, 1835, and said title is now on file in the said Land Office, among the Spanish archives; and

Whereas, Also, as is apparent from the certificate of the Commissioner of said office, Jacob Kuechler, that the same can not be located on the maps of his office, and that said survey of said league of land is lost, and the same can not be ascertained and known; therefore,

Section 1. Be it enacted by the Legislaure of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to the heirs of said Anthony McGee a certificate for one league of land, in lieu of said lost league; which certificate may be located on any unappropriated land of the State of Texas.

Sec. 2. That the said heirs of said Anthony McGee shall, previous to the issuance of said certificate, file with the Commissioner of the Land Office a release to the State of all right, title or interest in said league of land, titled as aforesaid; and upon their compliance, the Commissioner shall issue the certificate as aforesaid.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed May 20th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his

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objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CLXXXVII.

An Act for the relief of John S. Menifee.

Whereas, Bernard E. Bee, Secretary of War of the Republic of Texas, on the thirtieth of April, 1838, issued to John S. Menifee a bounty land warrant for three hundred and twenty acres of land, for three months services, from June 26th, 1836, to the 25th September, 1836, of Thomas J. Read; and

Whereas, Said John S. Menifee has failed to have the same approved, as provided by law; and

Whereas, The same is a just and legal claim against the State of Texas; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the Land Office be, and he is hereby authorized and required to issue to John S. Menifee a certificate for three hundred and twenty acres of land, upon his filing in the Land Office the original bounty land warrant aforesaid.

Sec. 2. That this act be in force from and after its passage.

Passed May 20th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became al aw without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CLXXXVIII.

An Act entitled An Act to re-incorporate the City of Corsicana, in Navarro County.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of the county of Navarro, one-half mile north from the court house thereof, one mile west from said court house, and one mile south from said court house, and one mile east from said court house, be and the same is hereby created into a body corporate, under the name and style of the City of Corsicana; the boundary lines of which shall be parallel to the streets of said city as now laid out. That the citizens thereof be and the same are declared a body corporate and politic under said name; and by that name shall have succession; may sue and be sued, plead and be impleaded, in all the courts of this State; may contract and be contracted with; may have, hold and dispose of property, both real, personal and mixed, within the bounds of said corporation, and may acquire property for municipal purposes within the limits of said corporation, by purchase or otherwise, and may use, manage, improve, sell and convey the same as they may deem proper, and may have a common seal.

Sec. 2. That there shall be elected on the first Monday in November, 1873, and on the first Monday in November every two years thereof [thereafter], by the qualified voters of said city, a mayor, city treasurer, and five aldermen, who shall hold their offices until their successors are elected and qualified.

Sec. 3. That no person shall be a qualified voter of said city unless he is a citizen of this State, and has resided at least six months next preceding an election within the corporate limits of said city; and that no person shall be eligible to hold office in said city who is not a legal voter in the State, and who has not resided one year next preceding his election within the city limits.

Sec. 4. That the board of aldermen shall constitute the city council, and that the mayor, when present, shall preside over the same, but shall not have the right to vote except in case of a tie, when he shall have the casting vote. Three aldermen and the mayor, or four aldermen

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without the mayor, shall constitute a quorum of said council for the transaction of business.

Sec. 5. That the city council shall have power to prescribe the manner of holding elections not inconsistent with the Constitution and laws of this State, and shall judge of the eligibility and election returns of all city officers. They shall have power, and it shall be their duty, to provide by ordinance for the registration of all voters within the city limits previous to each general election for city officers; and it shall be the duty of the city treasurer to carefully preserve the registration books in which are recorded the names of all voters after the same have been duly authenticated by the registrars appointed by the council; and it shall be the duty of the mayor, immediately after any election for city officers, to call together the board of aldermen, and in their presence to open and count the votes, and declare the result; and it shall be his duty to issue certificates of election to the candidate receiving the highest number of votes polled at said election; and in case of a tie, it shall be his duty to immediately order a new election. That the city council shall determine all matters of contested elections; and no elections shall be held for any city office without at least ten days public notice of the same previous thereto.

Sec. 6. That the time of all regular meetings of the city council shall be prescribed by ordinance; and any member absenting himself from any regular or called meeting, without valid excuse, may be fined in any amount not to exceed five dollars for each meeting from which he may so absent himself. The city council shall also make all necessary rules, by-laws and regulations for its own government.

Sec. 7. That the city council shall have power by ordinance,

First—To levy and collect an annual ad valorem tax not exceeding one-half of one per centum upon all property within said city limits made taxable by law.

Second—To appropriate money and provide for the payment of the debt and expenses of the city.

Third—To make regulations to prevent the introduction into and spread within the city limits of contagious diseases.

Fourth—To make regulations to secure the general

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health of the inhabitants of the city, and to prevent and remove nuisances.

Fifth—To open, abolish, alter, widen, extend, or otherwise improve, clean and keep in repair all streets, alleys and avenues.

Sixth—To erect a market house, to establish markets, and to tax, license and regulate the butchering of animals and sale of meats within the city limits, and to erect any and all necessary buildings for the use of the city, and provide for the enclosing, ornamenting and beautifying of all public grounds belonging to the city.

Seventh—That the city council, by a vote of a majority of the whole number of aldermen, taken yeas and nays, and entered upon the minutes of said council, shall have power to assess, license and tax hawkers, peddlers, auctioneers, circuses, menageries, wax-works, panoramas, theatrical performances and other exhibitions, shows and amusements, billiard tables, pigeon hole tables, Jenny Lind tables, or any other table used for profit, nine and ten pin alleys, public drays, wagons, hacks, omnibuses and carriages, grog shops, drinking saloons, beer saloons (whether for the sale of domestic beers and liquors, or otherwise), and such other trades and occupations, not especially mentioned herein, as may be taxed by the laws of the State; and to suppress gambling houses, and all disorderly houses by whatever name or description known; provided, that nothing in this section shall be construed as to levy a tax upon the property of Masonic, Odd Fellows, and other charitable societies and religious societies when used or occupied by said societies for their own use, and not for the purpose of profit; and provided, further, that no person shall engage in any of the occupations above enumerated, without having first obtained from the mayor a license therefor; and the city council may furnish [punish] by fine, to be regulated by ordinance, any infraction of this provision.

Sec. 8. They shall also have power to regulate the police of the city, and to pass any and all ordinances for the government of the city, and for the peace and good order of society. They shall also have power to prevent, by ordinance, the running at large of hogs and goats within the city; and also to levy and collect an annual tax, of not more than one dollar per head, upon all dogs

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within the city, and to prevent, when necessary, their running at large in the city. They shall also have power, by ordinance, to impose fines, forfeitures, and penalties for the breach of any city ordinance, and provide for the recovery and appropriation of the same; provided, that no fine shall exceed one hundred dollars, and imprisonment not to exceed ten days, for any one offense.

Sec. 9. To remove all obstructions from the streets, sidewalks, or public highways in the limits of the city; to prevent or restrain any riot, noise, disturbance, or disorderly assemblages in any street, house, or place in the city. To establish all needful fire regulations, and to prohibit, when necessary, by ordinance, the erection of houses of combustible material in certain localities within the city; and to provide by ordinance for the prevention and suppression of fires.

Sec. 10. They shall also have power to punish, by ordinance, all vagrants, idlers, vagabonds, and persons without any visible means of support.

Sec. 11. That the city council shall have power to apppoint, and remove for good cause, a city attorney, marshal, a secretary, and a city assessor and collector of taxes, and prescribe their duties; to fix the amount of all bonds, salaries, and fees, of city officers, subject to the restrictions herein contained.

Sec. 12. That all city officers, before entering upon the duties of their respective offices, shall take and subscribe the oath of office prescribed by the Constitution of the State, which may be taken before any officer authorized to administer oaths.

Sec. 13. That the mayor shall have power to call together the city council whenever he may deem it necessary; and no meeting shall proceed to the transaction of business unless it be composed of a majority of the whole board of aldermen.

Sec. 14. That the meetings of the city council shall be public, except when, at the request of two-thirds of the members present, then they shall sit with closed doors.

Sec. 15. That in case of the inability of the mayor to perform his duties, by reason of absence, or otherwise, or in case of death, or resignation, or otherwise, the board of aldermen shall apppoint one of their own members mayor [pro tempore), who shall have all the power of the mayor, and who shall perform all the duties of his office,

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until such inability is removed, or successor is duly elected and qualified. The city council shall also have power to appoint city policemen, fix their pay, prescribe their duties, and remove them at pleasure.

Sec. 16. The city council shall keep a record of all its proceedings, which shall be duly entered in a well bound book kept for that purpose, which shall be subject to inspection at any time, and kept as other records; and it shall be the duty of the mayor, marshal and treasurer, to make an annual report, on the first day of October in each year, of their official acts and condition of the various departments of the city government of which they have charge, which shall likewise be entered upon the minutes.

Sec. 17. That the city council shall have power to issue bonds of the city in amount not to exceed one hundred thousand dollars, the sale of which shall be appproprietated to educational purposes, and none other; provided, that a majority of the registered voters of the city shall vote in favor of the same; that the city council shall fix the term of years the bonds shall run, the rate of interest, and that an election shall be held for this purpose, and conducted in the same manner as an election for city officers. And should said bonds be authorized, the council, by ordinance, before issuing said bonds, shhall levy an ad valorem tax on all the taxable property of the city, sufficient to raise a fund to pay the annual interest on said bonds, and to create a sinking fund of two per cent. per annum on the principal of said bonds. The payment of the interest, sinking fund, and other matters incidental to the issuance and sale of said bonds, not herein provided for, shall be regulated by ordinance, and spread upon the minutes of said council.

Sec. 18. That the mayor shall have and exercise all the powers, and have jurisdiction both in civil and criminal cases as of a justice of the peace within the limits of the city, and shall receive the same fees and be governed by the same rules as are prescribed by law for justices of the peace; and for all violations of the city ordinances he shall receive such fees as the council may prescribe.

Sec. 19. That in case of vacancy in any of the elective offices of this city, by death, resignation or otherwise, the mayor shall immediately order an election to fill said vacancy, and shall give at least ten days' public notice of the same. He shall have power to punish a contempt of

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his court by fine and imprisonment, or either, in the same manner as a justice of the peace. His salary shall be fixed by the board of aldermen, not to exceed twelve hundred dollars per annum. The compensation of aldermen shall be fixed by the council, not to exceed three dollars per day.

Sec. 20. That the city marshal shall be chief of police, and shall have the same power as a constable, and shall receive the same fees for similar services; and for all violations of the city ordinances he shall receive such fees as the council may prescribe, and in addition shall receive such salary as the city council shall prescribe, not exceeding eight hundred dollars per annum. He shall also execute a bond, with good and sufficient security, in a sum to be fixed by the city council and approved by the mayor, payable to the city of Corsicana, for the faithful performance of his duties, as specified in the statutes for the bonds of constables, with the same conditions, which said bonds shall be liable in an action upon the same by any one injured, in the same way as the constable's bond.

Sec. 21. That the city treasurer shall safely keep all moneys belonging to the corporation, upon the draft of the mayor orderd by the council, and perform all such other duties as may be asigned him by the by-laws, rules and ordinances of said corporation. He shall receive for his services a commission not exceeding two and one-half per cent. on all moneys received by him, and not more than two and one-half per cent. on all moneys paid out by him. He shall also give bond, with good and sufficient security, for the faithful performance of his duties, in a sum to be fixed by the city council.

Sec. 22. That all laws and parts of laws heretofore passed, in conflict with the provisions of this act, be and the same are hereby repealed; provided, that all ordinances, by-laws and regulations heretofore passed by the city council of said corporation not in conflict with this act, be and the same shall remain in full force and effect.

Sec. 23. That the present mayor and other elective officers provided for herein shall hold their offices until their successors are elected and qualified under the provisions of this act.

Sec. 24. That this act take effect and be in force from and after its passage.

Passed May 20th, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-sixth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CLXXXIX.

An Act for the relief of Lycurgus E. Griffith.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized to issue a patent for one league and one labor of land to Lycurgus E. Griffith, assignee of Sarah Ussery, in lieu of a certain patent No. 238, vol. 12, issued, by mistake of name in the act authorizing the same, to Sarah Ursey instead of to Sarah Ussery, by the Commissioner of the General Land Office, and dated August 25th, 1855; provided, that before the issuance of said patent to assignee, said patent No. 238, vol. 12, be returned to and corrected by the Commissioner of the General Land Office.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed May 20th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXC.

An Act granting Land to the Buffalo Bayou Ship Channel Company, in aid of the improvement of the navigation from Bolivar Channel, near the Gulf of Mexico, to the City of Houston.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be granted to the Buffalo Bayou Ship Channel Company, upon the completion of a channel of navigation through Morgan's Point and Buffalo Bayou to the city of Houston, not less than sixty feet wide at the surface of the water, with a slope of one and a half to one toward the bottom and not less than six feet deep at average tide, six sections of land, of six hundred and forty acres each, per mile, for each mile of navigation opened up by said improvement, from the Gulf of Mexico, at Bolivar Channel, to the city of Houston; providing, also, that there shall then be existing a channel of the same width and depth from the Bolivar Channel through Red Fish Bar; and provided, also, that should the navigation from the Bolivar Channel through Red Fish Bar be opened up by the government of the United States, then the said company shall only be entitled to receive the said lands upon the distance of navigation opened up from the terminus of the United States government work at Red Fish Bar, to the city of Houston; and provided, also, that the said channel shall be completed within two years from the passage of this act.

Sec. 2. That upon the completion of a channel of navigation through Morgan's Point and Buffalo Bayou to the city of Houston, not less than ninety feet wide at the surface of the water, with a slope of one and a half to one toward the bottom, and eight feet deep at ordinary tide, there shall be granted to the Buffalo Bayou Ship Channel Company five sections of land, of six hundred and forty acres each, per mile, in addition to that granted in section one of this act, for each mile of navigation opened up by said improvement from the Gulf of Mexico, at Bolivar Channel, to the city of Houston; provided, also, that there shall then be existing a channel of the same width and depth from Bolivar Channel, at the Gulf of Mexico, to Red Fish Bar; and provided, also, that should the navigation from Bolivar Channel through Red

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Fish Bar be opened up by the government of the United States, then the said company shall only be entitled to receive the said lands upon the distance of navigation opened up from the terminus of the government work at Red Fish Bar to the city of Houston; and provided, also, that the said channel shall be completed within three years from the passage of this act.

Sec. 3. That upon the completion of a channel of navigation through Morgan's Point and Buffalo Bayou to the city of Houston, not less than one hundred and twenty feet wide at the surface of the water, with a slope of one and a half to one toward the bottom, and nine feet deep at average tide, there shall be granted to the Buffalo Bayou Ship Channel Company five sections of land, of six hundred and forty acres each, per mile, in addition to that granted in sections one and two of this act, for each mile of navigation opened up by said improvement from the Gulf of Mexico at Bolivar Channel to the city of Houston; providing also, that there shall then be existing a channel of the same width and depth from Bolivar Channel through Red Fish Bar; provided, however, that should the navigation from the Bolivar Channel through Red Fish Bar be opened up by the government of the United States, then the said company shall only be entitled to receive the said lands upon the distance of navigation opened up from the terminus of the United States government work at Red Fish Bar to the city of Houston; and provided also, that said channel shall be completed within four years from the passage of this act.

Sec. 4. Upon the application of the president of said company, or any duly authorized agent thereof, stating that either of the channels of navigation provided for in this act have been completed and opened up as is provided for in this act, it shall be the duty of the Governor to require the State engineer, or to appoint an engineer, to examine the said work and the line of navigation opened up at the expense of said company; and upon his certificate under oath that said channel of navigation has been completed as is provided in this act, and is ready for use, the Governor shall give information of that fact to the Commissioner of the General Land Office, whose duty it shall be to issue to said company the number of land certificates authorized by this act to be issued for the number of miles of navigation opened up and completed and

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certified to be ready for use in the engineer's certificate; provided, that certificates shall not issue for a total distance to exceed forty miles in length.

Sec. 5. That the land certificates issued to the Buffalo Bayou Ship Channel Company may be located upon any unappropriated public domain in the State of Texas, exclusive of that set apart by the Legislature for the benefit of the school fund. The surveys made shall be in sections of six hundred and forty acres each, unless prevented by previous surveys or navigable streams, which surveys shall be delineated upon a map or maps, which shall be deposited in the General Land Office, with the field notes thereof; and it shall be the duty of the Commissioner of the General Land Office to number said surveys from one upwards, to the full amount returned, and shall report the result of such numberings to the surveyor of the land district in which such surveys are situated; and the even numbers shall be reserved to the State for the benefit of the school fund, and the odd sections granted to the Buffalo Bayou Ship Channel Company, having such survey made; provided, that no location shall be made unless at least two surveys, connected with each other, can be obtained; provided, however, that fractional sections, containing more than three hundred and twenty acres, shall be regarded as whole sections, and two fractional sections, each containing less than three hundred and twenty acres, shall be taken as a whole section under the provisions of this act, and that the company shall not obtain a greater number of sections or fractional sections, in any one place, than are surveyed for the State; and upon the return of the field notes and map, or maps, of such surveys to the General Land Office, and the certificate so issued, it shall be the duty of the Commissioner to issue to said company patents for the odd sections of said surveys, and all the alternate or even sections shall be reserved for the use of the State for the benefit of the school fund.

Sec. 6. That said company shall alienate the lands hereby granted and donated as follows: One-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and the remaining fourth in twenty years, from the date of the issuance of the certificates, in such manner that the whole of such lands shall pass out of the ownership of said company within twenty years after

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the date of the issuance of said certificates; provided, that said lands shall not be alienated to any railroad company or corporation, except so far as may be necessary for the proper use and conduct of the business of such railway company or corporation, nor shall said lands be alienated to any individual, firm or company, in trust for said Buffalo Bayou Ship Channel Company, except subject to the terms provided in this section for the alienation of said lands, or to any firm or company of which any stockholder is an officer or member; and a failure to comply with the provisions of this section, and the general laws of the State on this subject, shall work a forfeiture of all the benefits of this act; and no land certificates issued under the provisions of this act, which may not be located by reason of the exhaustion of the public domain, shall ever constitute any claim against the State.

Sec. 7. That this act take effect and be in force from and after its passage.

Passed May 21st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-second day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXCI.

An Act to provide for the Registration of the Voters in the City of Denison, Grayson County, State of Texas, preparatory to an Election for City Officers, to be held on the second Monday in June, A. D. 1873.

Section 1. Be it enacted by the Legislature of the State of Texas, That the clerk of the district court shall, immediately after the passage of this act, give notice, by posting not less than twenty (20) handbills, in the city of Denison, that on a day named, not less than three nor more than six days after the first posting of said handbills, that he will himself, or by a duly appointed

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deputy, be at some place (designating it in the notices provided for above), in the city of Denison, for the purpose of registering the voters in the different wards of said city.

Sec. 2. On the day appointed in the place named in said notice, the clerk of the district court, or his deputy, shall proceed to register those who apply for that purpose, in the manner set forth in section four (4) of an act entitled an act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters, preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railways and other works of internal improvements, approved May thirty-first (31st), 1871, which act was approved April 29th, 1873.

Sec. 3. The clerk of the district court, or his deputy, shall set as a registrar from the hour of nine (9) A. M. to twelve (12) M., and from one (1) to six (6) P. M., and from seven (7) P. M. to nine (9) P. M., on the day designated in the notice provided to be given in section one of this act.

Sec. 4. It shall be the duty of the district clerk, or his deputy, who has acted as in the manner herein provided, to furnish the mayor, or the person acting as such at the time, or the city recorder, on or before the Saturday preceding the second Monday of June, 1873, before six (6) P. M. of that day, a certificate giving the names of the voters registered in each ward of said city, in the manner and form, as near as is practicable, as is required in section 8 of the registration act hereinbefore referred to.

Sec. 5. It shall be the duty of the mayor, or the person acting as such, or the city recorder, before eight (8) A. M. of the second Monday of June, 1873, to place said certificates in the hands of such persons as may be designated by the city council, or other proper authority, as the judges of the election in the various wards of said city of Denison, and no person shall be allowed to vote at such an election unless his name appears on said certificate of registration.

Sec. 6. The fees for registering under this act shall be the same as provided for in the general registration law of the State, and shall be paid by the city of Denison, and also the expense of printing and posting the handbills referred to in section one (1) of this act.

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Sec. 7. This act shall take effect and be in force from and after its passage.

Approved May 21st, 1873.

CHAPTER CXCII.

An Act to authorize the County Court of Gillespie County to contract a Loan, by issuing interest-bearing Bonds for the purpose of building a Court House and Jail.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Gillespie county be and the same are hereby authorized to issue coupon interest-bearing bonds, not to exceed the sum of ten thousand dollars, for the purpose of erecting a court house and jail in said county. Said bonds shall be of the denominations of one, two, three, four and five hundred dollars each, as may be deemed best for the interest of said county by the county court thereof, and said bonds shall bear interest not to exceed ten per centum per annum, which interest shall be paid annually.

Sec. 2. That said bonds may be sold at public or private sale by order of the county court, and the proceeds arising therefrom shall be paid into the county treasury, and by the treasurer paid out on the order of the county court; the interest due on said bonds shall be received by the collector of taxes for all county dues.

Sec. 3. The said county court is further authorized to levy and cause to be collected a special ad valorem tax, which shall not exceed one-fourth of one per centum on the property of said county, for the purpose of paying the interest on, and providing for a sinking fund for the final payment of said bonds.

Sec. 4. That said bonds shall be made payable at from five to ten years from the date of issuance, but the county court, if practicable under the provisions of this act, may redeem the same at an earlier period.

Sec. 5. That this act take effect and be in force from and after its passage.

Passed May 22d, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-third of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXCIII.

An Act to reincorporate the City of Corpus Christi.

Title I.—General Powers and Boundaries.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants of the city of Corpus Christi shall continue to be a body politic and corporate, with perpetual succession, by the name and style of the "City of Corpus Christi;" and as such they and their successors, by that name, shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said city, and herein granted and conferred; and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation; and may ordain and establish such acts, laws, regulations and ordinances, not inconsistent with the Constitution and laws of this State, as shall be needful for the government, interest, welfare and good order of said body politic; and under the same name shall be known in law, and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatever; may take, hold and purchase, lease grant and convey such real and personal or mixed property or estate as the purposes of the corporation may require, within or without the limits thereof; and may make, have and use a corporate seal, and change and renew the same.

Sec. 2. That the limits and bounds of the city or Corpus Christi, within which said corporation shall have corporate authority and jurisdiction, and over which its

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municipal regulations shall extend and be in full force, and to which they shall apply, the same be and are hereby fixed and declared as follows, to-wit: Commencing at a point in the waters of Corpus Christi bay one mile due east from the present court house of Nueces county; thence due west three miles, and from said court house, with the same width throughout, and between parallel lines, one and a half miles to the south and three miles due north, including the harbor and anchorage of the port of Corpus Christi, the bars and entrances to the same at Aransas and Corpus Christi passes, and the channels and canals leading to the Gulf of Mexico from said point, the State of Texas hereby releasing and relinquishing to and in favor of said corporation all and every right, title and interest which she has or might have in and to the dominion or control over said waters, or the soil under or in the same, so far as coming within the herein designated city limits and jurisdiction.

Title II.—Government.

Sec. 3. The municipal government of the city shall consist of a city council, composed of the mayor and three aldermen from each ward, a majority of whom shall constitute a quorum for the transaction of business, except at called meetings for the imposition of taxes, when two-thirds of a full board shall be required, unless herein otherwise specified. The other officers of the corporation shall be a recorder, a treasurer, an assessor, a collector, a clerk, a chief of police, a city surveyor and engineer, an attorney, and such other officers and agents as the city council may, from time to time, direct. The above named officers (except the mayor and aldermen) shall be appointed by the mayor, with the approval of a majority of the city council, at their first annual meeting, or as soon thereafter as possible, and shall hold their offices for one year, and until the election and qualification of their successors. The recorder shall be learned in the law, and ex officio city attorney. The treasurer shall be ex officio collector of taxes, and th city clerk ex officio assessor of taxes.

Sec. 4. The territory contained within the boundary of the city of Corpus Christi shall be divided into three wards, the boundaries to be established by ordinance;

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provided, that the city council of said city shall have power, form time to time, to cause a division of said city to be made into as many wards as they may deem necessary and for the good of the inhabitants of said city; but no such division shall be made unless it be done at least three months preceding the city election next ensuing; and said wards so established shall contain, as far as practicable, an equal number of voters.

Sec. 5. At the first annual election there shall be elected, by the qualified voters of said city, voting by ballot, a mayor, who shall hold his office for two years from the date of said election, and until his successor shall be elected and qualified. At the first election held under this charter, there shall be elected by the same voters three aldermen from each ward of the city, being nine aldermen.

Sec. 6. At the first meeting of said board of aldermen so elected, it shall proceed to divide, as hereinafter provided, the three members from each ward into three classes; and those of the first class shall hold their office for one year, those of the second class for two years, and those of the third class for three years, and until their respective successors are duly elected and qualified; so that thereafter there shall be elected at each annual election three aldermen, who shall hold their offices for three years, and until their successors are elected and qualified. And at each annual election after the first, the aldermen shall be elected by general ticket for the city. The person having the highest number of votes in the whole city for mayor shall be declared to be elected; and the twelve persons rceiving the highest numbers of votes cast for aldermen shall be declared duly elected. In case the person elected mayor shall refuse to accept the office, the city council, mayor, or acting mayor, shall order another election; and in case of vacancy in the office of mayor, by death, resignation, removal or otherwise, it shall be filled for the remainder of the term by a new election, to be ordered by the acting mayor or city council; and in case of a vacancy in the board of aldermen, by a refusal to accept or to qualify, or by death, resignation, removal, or otherwise, the mayor, or acting mayor, or city council, shall order a new election to fill the residue of the unexpired term; and all special elections shall be conducted in the same

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manner as is herein provided for the annual election; provided, that in special elections, five days notice thereof shall be deemed sufficient. When more than one alderman is to be elected at any election, the candidate receiving the highest number of votes shall be elected for the longest term; the candidate receiving the next highest number of votes shall be declared elected for the next longest term; and the candidate receiving the next highest number of votes shall be declared elected for the shortest term. In case of a tie, they shall draw for classes; provided, that no one shall be eligible for alderman unless he shall have resided within the city limits for twelve months preceding his election, and be a bona fide resident of the ward for which he is elected; and that if any alderman shall, after his election, remove from the ward from which he is chosen, his office shall thereby be vacated.

Sec. 7. An election shall be held in each of the wards of said city on the first Monday in December of every year, at such place or places as the city council may direct, and of which thirty days previous notice shall be given by publication in one or more newspapers of said city; said election shall be ordered by the city council or mayor. For the purpose of holding said election, and others ordered, the city council shall appoint annually in April, or earlier, in each ward, some competent and suitable person, who shall be the presiding officer at all elections held in his ward. The presiding officer in each ward shall select two judges and two clerks, who, together with the presiding officer, shall be managers of elections. The presiding officer and judges must be qualified voters in the city. The city council shall provide for their compensation, and by ordinance regulate and define their powers and duties, and determine the hours of opening and closing the polls. The mayor, whenever an election is ordered, shall give the required notice, and issue to the presiding officer a writ of election; and every published notice of election shall state the officer or officers to be elected, the place where the election will be held, and the name of the presiding officer thereat. In case the officer so appointed is unable, fails, refuses or neglects to act, the mayor shall make another appointment; and in case no appointed presiding officer appears to open the polls, the qualified electors

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may appoint such officer, who shall perform the same duties and shall have like power and authority to act as a first appointee; but in such case the managers, in their returns or otherwise, shall certify that the presiding officer failed to attend, or neglected to act, and that the person acting as such was duly chosen by the electors present.

Sec. 8. The manner of conducting and voting at elections to be held under this act, and contesting the same, the keeping of the poll lists, canvassing of the votes and certifying the returns, shall be the same as nearly as may be, as is now, or may hereafter be provided by law at general State elections; provided, the city council shall have full power and authority to regulate elections, and pass all ordinances in relation thereto, not inconsistent with the general laws of the State, which they may deem proper and necessary, and to prescribe what action shall be had in the event of there being no annual election, or a failure to elect the officers, or any of them, for which any election was ordered. The voting shall be by ballot, and the presiding officer and managers shall take the same oath, and shall have the same power and authority, as managers of general State elections. After closing the polls the ballots shall be counted in the manner required by law, and the returns, including the ballots, shall be returned, sealed, to the city clerk within three days after the election; and within five days from any election the city council shall meet and canvass the same, and declare the result of the election. It shall be the duty of the city clerk to notify all persons elected or appointed to office, of their election or appointment; and unless such persons shall respectively qualify within fifteen days thereafter, the offices shall become vacant. The city council elect shall meet at the usual place of meeting at four o'clock P. M., on the first Monday of January, or as soon thereafter as possible, and be installed under the provisions of this act.

Sec. 9. That every person not disqualified by law, who shall have attained the age of twenty-one years, and is entitled to vote for members of the Legislature of this State, and is duly registered, and shall have resided within the limits of the said city for twelve months next preceding the election, shall be entitled to vote for mayor and aldermen of the said city; provided, nevertheless,

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that no person belonging to the regular army or navy of the United States shall be so entitled.

Title III.—Powers of Taxation and for Improvements.

Sec. 10. The city council shall have power within the city, by ordinance, to annually levy and collect taxes, not exceeding one per cent. on the assessed value of all real and personal estate and property in the city not exempt from taxation by the Constitution of the State, to be applied to the regular expenses of the government of the city.

Sec. 11. To annually levy and collect a poll tax (not to exceed one dollar) of every male inhabitant of said city over the age of twenty-one years, who has resided therein twelve months previous to the assessment of said tax.

Sec. 12. That the city council shall have power to levy and collect taxes, commonly known as licenses, upon trades, professions, callings, and other business carried on; and upon carriages, hacks, coaches, buggies, drays, carts, wagons, and other vehicles used in said city, whether the same are for public or private use. That each and every person and firm engaged in the following trades, professions, callings and business, among others, shall be liable to pay such license tax; but this enumeration shall not be construed to deprive the city council of the right and power to levy and collect other license taxes, and from other persons and firms, under the general authority herein granted: That every person and firm engaged in selling goods, wares and merchandise; every person and firm selling liquor in quantities over a quart; every person or firm keeping a grog shop, tippling house, bar room or drinking saloon; every person or firm keeping a place where spirituous liquors, wines, cordials or beer are sold in quantities less than one quart; every person or firm keeping a billiard table, ball alley, or nine or ten pin alley, or any similar game; every person or firm keeping a tavern, hotel or boarding house; every person or firm keeping a restaurant, eating house, oyster shop, oyster saloon, or place of any description where eating or refreshments are furnished; every person or firm keeping a livery stable, or stables; every person or firm selling

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goods, wares and merchandise at public auction; every person or firm pursuing the occupation of a real estate broker, or agent, merchandise or cotton broker, or commission business; every person or firm pursuing the occupation of hawker or peddler of goods, or any articles whatever; every person or firm keeping a brewery, beer shop, or distillery; every person or firm keeping a storage warehouse, or engaged in compressing or repressing cotton; keeping an intelligence office; each and every insurance company shall also be liable to pay said city such license tax, and each and every insurance agent in said city shall likewise be subject to said license tax, and such agent shall be held responsible therefor, and for each association, corporation, or company of which he is agent.

Sec. 13. That each and every firm keeping a lumber, wood, or coal yard, or any place for the sale of the articles aforesaid, or building materials, shall be subject to said license tax, and all other persons from whom the city council may require said tax under the authority in this act granted; provided, nothing herein contained shall in any wise prevent or restrain the city council from collecting the license, and each license tax hereinbefore provided for by this act. Each establishment shall be liable to said license tax, and any person or firm pursuing occupations, business, avocations, or callings, subject to said tax, shall pay on each; and no license shall extend to more than one establishment, or include more than one occupation, avocation, business, or calling.

Sec. 14. When in any case it shall be deemed necessary by the city council to cause any sidewalks to be raised, lowered, repaired, or cleaned, it shall be lawful for said council to require the owner, or occupants of the premises, in front of, adjacent to, or upon which said improvement is to be made, to make the same forthwith, or within such reasonable time as the council may prescribe, either upon written or verbal notice to that effect; and in case of neglect or refusal to comply with such requirements, as well as in all cases where the owner or occupants cannot be found, the council may cause the work to be done, and paid for out of any moneys in the treasury at their disposal.

Sec. 15. All owners or occupants of real estate in front of, adjacent to, or upon whose premises the city

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council shall order or direct any sidewalk or private drain to be constructed, shall contract [construct] such sidewalk or private drain at their own cost and charges, in the manner prescribed by said council, and within such reasonable time, not exceeding twenty days, as the council shall direct, of which time notice shall be given to such owner or occupant by personal service, or leaving the same at his usual place of business or abode, or by three days publication in the corporation newspapers. If the work be not done in the manner and within the time prescribed, the council may cause the work to be done and paid for out of any moneys in the treasury at their disposal.

Sec. 16. The council shall assess the said expense by an order, ordinance or resolution, upon such lots respectively, and the same may be collected by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises for recovery of such expenses as for money paid and laid out for his use and at his request. The council may also, by ordinance, impose such penalties upon the owner or occupants aforesaid, for any neglect or refusal to comply with the aforesaid requirements, not exceeding twenty dollars for each day's neglect, as to the said council shall seem proper.

Sec. 17. Nothing in the preceding sections contained shall be construed to relieve the owners or occupants of real estate from the duty of keeping the sidewalks in front of or adjacent to their premises, at all times, in a safe condition, and in a good and thorough state of repair; but such duty is hereby expressly enjoined and imposed upon all owners and occupants; and if at any time any injury shall be sustained by any individual, or the city shall be subjected to any damages in consequence of any defect in any sidewalk, or its being out of repair, the owner and occupants of the adjacent premises, whose duty it is to make the repairs, shall be jointly and severally liable therefor, and the same may be recovered by suit in any court of general jurisdiction. If the owner be a new [non-] resident, proceedings may be commenced against the property by attachment, as in other cases of attachment under the laws of the State.

Sec. 18. The city council shall be vested with full power and authority to grade, shell, repair, pave, or otherwise improve any street or alley, or any portion

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thereof, within the limits of said city, whenever, by a two-thirds vote of the aldermen present, they may deem such improvement for the public interest; provided, the city council shall pay one-third and the owners of the property two-thirds thereof, except the intersections of the streets from lot to lot, across the streets either way, shall be paid for by the city alone; and said cost shall be assessed on the property fronting on said thorougfares, to be collected by the collector of taxes; and all monies collected from these assessments shall be appropriated exclusively to the payment of the cost of said pavement.

Sec. 19. The city council shall have power to require the filling up, draining and regulating of any lot or lots, grounds or yards, or any other places in the city which shall be unwholesome, or have stagnant water therein, or from any other cause be in such condition as to be liable to produce disease; also, to cause all premises to be inspected, and low buildings to be raised to such height as the council shall determine, and to impose fines on the owners of houses under which stagnant water may be found, and to pass such ordinances as they shall deem necessary for the purpose aforesaid, and for the making, filling up, altering or repairing of all sinks and privies, and directing the mode and material of constructing them in future, and for cleansing and disinfecting the same, and for cleansing any house, building, establishment, lot, yard or ground from filth, carrion, or impure or unwholesome matter of any kind, and to punish any owner or occupant violating the provisions of any ordinance so passed as aforesaid; and the city council shall also, and in addition to the foregoing remedy, have the power to cause any of the improvements above mentioned to be done at the expense of the city, on account of the owners, and cause the expense to be assessed on the real estate or lot or lots benefited thereby; and on filing with the district clerk of Nueces county a statement by the mayor of such expense, shall have a first and privileged lien on said property to secure said expenditure, and twelve per cent. interest thereon. For any such expenditure and interest, as aforesaid, suit may be instituted and recovery had, in the name of the corporation, in any court having jurisdiction; and the statement made as aforesaid, or a certified copy thereof, shall be full proof and satisfactory evidence of the amount expended in any such improvement.

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Sec. 20. Whenever, in the opinion of the city council, any building, fence, shed, awning, or any erection of any kind, or any part thereof, is liable to fall down and endanger persons or property, they may order any owner or agent of the same, or any owner or occupant of the premises, on which such building, shed, awning, or other erection stands, or to which it is attached, to take down and remove the same, or any part thereof, within such time as they may direct; and punish by fine and imprisonment, or either, any neglect, failure or refusal to comply therewith. The city council shall, in addition, have the power to remove the same at the expense of the city, on account of the owner of the property or premises, and assess the expense on the land on which it stood, or to which it was attached, and shall by ordinance, provide for such assessment, the mode and manner of giving notice, and the means of recovering any such expense.

Sec. 21. Whenever any order is passed by the council for the erection of lamp posts upon any of the streets in said city, and for lamps, the city clerk shall forthwith proceed to assess the amount directed by the council to be assessed therefor upon the several lots, pieces and parcels of land fronting or abutting on the street, or part of street, along which such posts are to be erected. Said assessment shall be made in such manner, as nearly as may be, that each separate lot, piece or parcel of land on either side of said street, for the whole distance proposed to be lighted, shall sustain its fair, proportionate share of the expenses, according to the number of lineal feet of each separate lot or parcel on such street, which assessment shall be made forthwith, and may be confirmed and collected in the same manner as in the case of jetting, grading, or paving streets; and when confirmed, shall have the same force and effect—like powers, rights and duties being hereby conferred and imposed upon the collector of taxes, and and all parties interested.

Sec. 22. That whenever the city council shall determine to make any such improvement, they shall cause an estimate to be made of the probable cost thereof, by a committee of aldermen; and such committee shall also report a full list of all lots, or fractional lots, giving number and size of the same, and the number of the block in which situated, and the names of the owners thereof, if known, and such other information as may be required

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by the city council; and if there be any lot, or fractional lot, the owner of which is not known, the same shall be entered on said list as unknown. It shall be the duty of the committee aforesaid to enter on said list, opposite each lot, or fractional lot, lying and being on each side of the street, avenue or alley so to be improved as aforesaid, one-third of the estimated expense for such work or improvement on such avenue, street or alley, fronting, adjoining or opposite such lot or fractional lot; and on the acceptance and approval of said report and list by the city council, said amounts shall be imposed, levied and assessed as taxes, and shall be a lien upon the property until the payment of the same.

Sec. 23. That after such action on the part of the city council as above provided for, the city clerk shall give such notice as may be required by ordinance of said tax being due, and within what time payable, and shall forthwith cause to issue a warrant for the collection of the same. That after the expiration of the period for payment of said tax, the collector of taxes shall levy on so much of any property on said list, on which said tax has not been paid, as will be sufficient to pay the same, and the same notice of sale as is required in sales of other taxes shall be given; and if said tax is not paid before the day of sale, said officer shall sell said property in the manner and under the circumstances, and to the extent, and subject to the same conditions which are or may be provided by ordinance for the sale of real estate in the city of Corpus Christi, charged with the payment of taxes imposed by said corporation; and said officer shall execute a deed to the purchaser at any such sale, and all the provisions of this act in reference to a deed drawn by the collector of taxes shall apply to the deed provided for in this section.

Sec. 24. The city council shall have power to provide, by ordinance, for the assessing and collecting of the taxes aforesaid, and to determine when taxes shall be paid by corporations, and when by the individual corporators; provided, no tax shall be levied unless by consent of two-thirds of the aldermen elected.

Sec. 25. The license tax shall be collected by the treasurer, and shall be paid to that officer by each and every person and firm owing such license, and before engaging in any trade, profession, business, callling, avoca-

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tion or occupation subject to said tax; that if any person shall engage in any business, calling, avocation or occcupation which, by any ordinance of said city, is subject to a license tax, without first having obtained said license, he, she or they shall be liable to imprisonment and a fine of ten dollars for each day such violation of said ordinance may continue; and this section shall apply to all persons owing any license and failing to pay the same; said taxes, commonly known as licenses, laid as herein provided, shall not be construed to be a tax on property, within the meaning of section one, article one, title three, or any other section of this act.

Sec. 26. That the city council may and shall have full power to provide, by ordinance, for the prompt collection of all taxes assessed, levied and imposed by this act, or hereby authorized, and due or becoming due to the said city, and to that end may and shall have full power and authority to sell real as well as personal property, and may and shall make all such rules and regulations, and ordain and pass all ordinances, as they may deem necessary to the levying, laying, imposing, assessing and collecting of any of the taxes herein provided.

Sec. 27. The city council shall have power, by ordinance, to regulate the manner and mode of making out tax lists or inventories, and the apppraisement of property therein, and to prescribe the oath that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered, and to prescribe the number and form of assessment rolls, and fix the duties and define the powers of the assessor and collector, and adopt such measures as they may deem advisable to secure the assessment of all property within the limits of said city and collect the tax thereupon; and may, by ordinance, provide that any person, firm or corporation, having property subject to taxation, or being liable for any tax under the provisions of this act, and neglecting to render a list, inventory and appraisement thereof, as required by any ordinance of said city, shall be liable to fine and imprisonment.

Sec. 28. Every person, partnership and corporation owning property within the limits of the corporation, shall, within two months after published notice, hand in to the assessor of the city a full and complete inventory of the property possessed or controlled by him, her or

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them, within said limits, not exempt from taxation, on the first day of January of the current year, verified as required by ordinance; and any person failing or refusing to comply with the provisions of this section shall be liable to fine and imprisonment; and the city council shall, by ordinance, clearly define the duties of taxpayers herein, and make all necessary rules and regulations to secure the rendition of property and the collection of taxes due thereon.

Sec. 29. All taxes levied by the council under this act shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said taxes are paid. Every person owning real estate, on the first day of January, including all such property purchased on that day, shall be liable for the taxes thereon for that year. The city taxes shall also be a lien on the personal property of all persons owing taxes, from and after the delivery of the warrant for the collection thereof to the collector; and no sale or transfer of said property shall affect the lien, but the property may be seized by the collector whenever found, and removed, if necessary, and sold to discharge the taxes of the person owing the same, and the same proceedings may be resorted to by the collector upon any warrant issued for the collection of a special assessment.

Sec. 30. No assessment of property, or charges for taxes or assessment thereon, shall be considered illegal on account of any irregularity or informality in the tax lists or assessment rolls, or on account of the assessment rolls or tax lists not being made, completed, or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name, or in any other name than that of the rightful owner, and no error or informality in the proceedings of any of the officers entrusted with the levying and collection of taxes or special assessments, not affecting the substantial justice of the tax or assessment itself, shall vitiate, or in any [way] affect the tax or assessment.

Sec. 31. In all cases where, by any provisions of this act, or by any ordinance passed in pursuance thereof, a person is required to obtain a license for any calling, occupation, business or avocation, and has, on complaint before the recorder, been adjudged guilty of violating any rule, regulation or ordinance of the city council in re-

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lation thereto, the recorder, in addition to fine or imprisonment, or either, may suspend or revoke the license so granted.

Sec. 32. That in addition to the power and authority granted to the city council to collect assessments of taxes as aforesaid, they shall have the further and additional remedy of instituting suit in the corporate name, in any court having jurisdiction, for the recovery against any owner of said property, for the amount due for any such work so made as aforesaid; and the city council shall provide, by resolution or ordinance, under the provisions of this act, for carrying out and executing the powers in this title conferred, and may adopt such resolutions, and enact such ordinances, and make such rules and regulations, as they may deem necessary.

Sec. 33. That the term real estate or property, as used in this act, shall be construed to include lots, lands, and all buildings or machinery, and structures of every kind erected upon or affixed to the same.

Sec. 34. That the term personal estate or property, as used in this act, shall be construed to include all household furniture, moneys, goods, capital, chattels; all ships, steamboats and vessels, whether at home or abroad; public stocks and stocks of corporations, moneyed or otherwise, and generally all property which is not real.

Sec. 35. Bonds of the corporation of the city of Corpus Christi shall not be subject to tax under this act. The ground on which the town hall stands, and in which shall be held the council meetings and the recorder's court, and his office shall be therein; the cemetery lots, which have or may be hereafter laid out and sold by said city for private places of burial, shall with the apppurtenances, forever to [be] exempt from taxes, execution, attachment or forced sale.

Title IV.—Officers and their Powers and Duties—Mayor.

Sec. 36. The mayor of the city shall be taken and deemed to be ex officio chief of police within said city, and as such he shall maintain peace and good order. He shall be the chief executive officer of said corporation, and shall be vigilant and active at all times in causing the laws and ordinances for the government of said city to

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be duly executed and put in force; he shall inspect the conduct of all subordinate officers in the government thereof, and, as far as it may be in his power, shall cause all negligence, carelessness and positive violations of duty to be duly prosecuted and punished. He shall have power, whenever in his judgment the good of the city may require it, to summon meetings of said city council; and he shall from time to time, commmunicate to that body all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament and good government of the cilty.

Sec. 37. That whenever the mayor shall deem it necessary, in order to enforce the laws of the city, or to avert danger, or protect life or property in case of riot, or any outbreak or calamity, or public disturbance, or when he has reason to fear any serious violation of law or order, or any outbreak, or any other danger to said city, or the inhabitants thereof, he shall summon into service, as a special police force, all, or as many of the citizens as in his judgment and discretion may be necessary and proper, and such summons may be by proclamation or order addressed to the citizens generally, or those of of any ward of the city or sub-division thereof, or such summons may be by personal notification. Such special police, while in service, shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same power while on duty as the regular police force of said city; and any person so summoned and failing to obey, or appearing and failing to perform any duty that may be required by this act, shall be fined in a sum not exceeding one hundred dollars.

Sec. 38. The mayor shall preside over the meetings of the city council, but shall have no vote, unless there is a tie, in which case he shall give the casting vote. He shall have like power with a justice of the peace to administer oaths of office and also other oaths and affirmations, and to give certificates thereof. He shall possess and execute, in the city, in criminal cases, all the powers and duties of a justice of the peace. He shall have power to dismiss and discharge any member of the police, and to remove or suspend any officer holding an office created by any ordinance of the city, until the cause of such removal or suspension can be acted on by the city council,

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and may fill by apppointment any vacancy so occasioned. He shall have authority, in case of riot, or any unlawful assemblage, or with a view to preserve peace and good order in said city, to order and enforce the closing of any theatre, ball room, grog shop, tippling house, bar room, or other place of resort, or public room or building, and may order the arrest of any person violating, in his presence, the laws of the State, or any ordinances of the city; and he shall perform such other duties, and possess and exercise such other power and authority, as may be prescribed and conferred by the city council.

Sec. 39. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the city council shall appoint by ballot, by a majority of all the members present, one of their number to preside over their meetings, whose official designation shall be acting mayor; and the alderman so appointed shall be invested with all the powers and shall perform all the duties of mayor of the city, and shall receive the same salary, until the mayor shall resume the duties of his office or the vacancy be filled by a new election.

Sec. 40. In case of the temporary absence, sickness or inability of the recorder to act, or in case of vacancy in that office, the mayor shall have full power and authority to act as recorder and judge of the recorder's court until said officer can sume his duties or the vacancy be filled by the election of the city council. The mayor, while so acting, shall perform all the duties, and have, possess and execute all the powers and authority vested in the recorder by this act or any ordinance passed in pursuance thereof.

Recorder and City Attorney.

Sec. 41. That the recorder of said city shall be the chief judicial magistrate thereof, and as such shall hold a court within said city, by the name of the recorder's court of the city of Corpus Christi; which said court shall have jurisdiction and cognizance of all misdemeanors, breaches of the peace infractions of the ordinances, and other causes arising under the laws of said city, and shall be deemed always open for the trial of said cases. The said court shall have full power, authority and jurisdiction

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in all cases arising under the ordinances of said corporation, and over any breaches and violations thereof, and over any and all persons thus offending; and to try and determine all suits, actions and complaints charging a violation of any ordinance of said city, and may grant new trials on motion, in writing, showing sufficient cause, and duly sworn to. The recorder may require of any person, arrested under the provisions of this act, a bond for his or her good behavior, and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city. He shall have full power and authority to issue subpoenas for witnesses, and to compel their attendance by process of attachment. He may punish all contempts by fine and imprisonment, or either; may issue subpoenas, writs of capias, warrants of arrest, search warrants, executions, and all other process known to the law, which a justice of the peace of this State may lawfully issue; and all of said writs and process shall be issued, served and executed under the same forms, and in the same manner as the like process would be when issued by a justice of the peace, unless herein otherwise provided. He shall also have full power and authority to administer official oaths, and all oaths or affirmations, and to give certificates thereof. The recorder shall be ex officio justice of the peace, and he shall possess and execute in the city, in criminal cases, all the powers and duties of such officer, and shall have the same authority and like powers with justices of the peace in prevention and suppression of crime; provided, that in no case shall he entertain jurisdiction in civil suits. The said recorder shall hold his office for one year, and until his successor is elected and qualified. The city council may determine what costs shall be charged in proceedings in and for all process issued in said court, and shall allow the judge thereof, for his services, a salary payable at stated periods; and the recorder shall perform such other duties as may be prescribed by any ordinance of said corporation, that may properly and lawfully be required of said officer as the judge of said court, and are not inconsistent with the laws and Constitution of this State; provided, that all moneys collected from fines, of whatever character, imposed by the recorder, shall be paid into the city treasury for the use of the city. The recorder shall be learned in the law, and ex officio city attorney.

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Sec. 42. Whenever any person has been required by the recorder to give a peace bond, or a bond for good behavior, or any similar bond under this act, and has complied with such order, and has been guilty of a violation or infraction of any such bond, and the same is proved, or established to the satisfaction of that officer, in any trial or complaint, such party so offending may be fined in a sum not less than ten nor more than twenty-five dollars.

Sec. 43. The payment of all fines shall be enforced by hard labor upon the public streets, squares or other works of said city, until said fine and costs are paid; for which capias may issue immediately after the trial; and all expenses incurred in the custody and safe keeping of the offender shall be considered part of the costs, and he or she, as the case may be, shall not be discharged until said fine and costs are fully paid, or secured to be paid, as may be prescribed by the by-laws and ordinances of said city.

Sec. 44. All fines, forfeitures and penalties for the breach or violation of any provisions of this act, or of any regulation, order or ordinance of the city council, shall, when collected, be paid into the city treasury, for the use and benefit of said city.

City Clerk.

Sec. 45. That it shall be the duty of the city clerk to attend every meeting of the city council, and keep accurate minutes of the proceedings thereof, in a book to be provided for that purpose; to engross and enroll all laws, resolutions and ordinances of the city council; to keep the corporate seal; to take charge of, preserve, and keep in order, all the books, records, papers, documents, and files of said council; to countersign all commissions issued to the city officers, and licenses issued by the mayor, and to keep a record or register thereof; and to make out all notices required under any regulation or ordinance of the city. He shall draw all warrants on the treasurer, and countersign the same, and keep an accurate account thereof, in a book to be provided for the purpose. He shall also be clerk of the recorder's court, and shall have custody of all books and papers belonging to said court. He shall make out all process, and writs,

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and enter upon a docket all complaints for violation or infraction of city ordinances before the recorder, and his judgment or sentence therein. He shall have power and authority to administer all oaths and affirmations, and, as clerk of said court, he shall be entitled to such fees as are allowed the clerk of the district court for like services. The city clerk shall be the general accountant of the corporation, and shall keep, in books, regular accounts of all receipts and disbursements for the city, and separately, under proper heads, each cause of receipt and disbursement, and also accounts with each person, including officers who have money transactions with the city, crediting amounts allowed by proper authority, and specifying the particular transaction to which such entries apply. He shall also keep a register of bonds and bills issued by the city, and all evidence of debt due and payable to it, noting the particulars thereof, and of all facts connected therewith as they occur. He shall carefully keep all contracts made by the city, and he shall do and perform all such other duties as may be required of him by any law, ordinance or resolution or order of the city council. He shall receive for his services an annual salary, payable at stated periods, and such additional fees as may be allowed by the city council.

Sec. 46. It shall be the duty of the clerk to estimate the several taxes levied, by the computing of them together as one tax, and to insert the total amount of such taxes in the appropriate column of the several tax lists, opposite to the person or property chargeable therewith. When completed, the recorder shall attach to each of said lists a warrant, under the corporate seal, to be signed by the mayor, directed to the collector, commanding him to make, levy and collect, as the taxes for such year, the several sums of money set opposite to the real and personal estate or persons in said tax lists mentioned or described, of the goods and chattels of the respective owners of such real and personal estate; which warrants shall designate the names and rates of the several taxes included therein.

Sec. 47. Said tax lists, with the warrants attached, shall be delivered to the collector by the city clerk, on or before the last day of January, in each year, and shall constitute the only process necessary to be issued for the

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collection of the annual taxes. The city clerk shall take a receipt from the collector for the said tax lists, specifying the amount of taxes levied on each list.

Sec. 48. When any special assessment shall have been confirmed by the council, and no right of appeal therefrom is given, it shall be the duty of the recorder to issue a warrant for the collection thereof, which shall be under the corporate seal, and signed by the mayor and city clerk; shall contain a copy of the assessment roll as confirmed by the council, or so much thereof as describes the real estate assessed, and the amount of the assessment in each case. If the right of appeal from the order of confirmation should exist, in any case, said warrant shall not be issued until the expiration of the term limited for the taking of such appeal; and if in any case an appeal should be actually taken, the issuing of the warrant shall be delayed until after the determination of such appeal.

Sec. 49. All warrants issued for the collection of special assessments shall be delivered by the city clerk to the collector, taking his receipt therefor in the manner prescribed in the case of warrants for the collection of the annual taxes.

Sec. 50. Whenever the clerk shall ascertain that any taxable inhabitant's real or personal property has not been asssessed for the past year, he shall assess the same in his next assessment roll (in a supplement thereto) at the same rate under which such inhabitants and property should have been assessed for such year, stating the year in which such inhabitant or property should have been assessed; and the taxes thereon shall be collected in the same manner as other assessments. In all cases where any party has omitted to render property for taxation for any former year or years, and such taxes have not been paid, such party shall give such property in for assessment for the years thus omitted, and pay such taxes, and the assessor shall enter all such property in a supplement to his next assessment roll, under the head of payments for former years.

Treasurer and Tax Collector.

Sec. 51. The treasurer for said city shall give bond in favor of the city of Corpus Christi, in such amount and in such form as may be required by the city council,

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and with sufficient sureties, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same upon the order of the mayor, attested by the clerk, and the seal of the corporation. He shall keep regular and correct accounts of the real, personal and mixed property of the city, and shall render a full and correct statement of his receipts and payments to the city council at their regular meeting in every quarter, and whensoever at other times he may be required by them so to do; and at the end of every half year, he shall be caused to be published, at the expense of the city, a statement showing the amount of receipts and expenditures for the six months next preceding, and the general condition of the treasury; and he shall do and perform such other acts and duties as the city council may require; and for his services he shall receive such compensation as shall be fixed by the city council.

Sec. 52. The treasurer, as ex-officio collector, shall collect all taxes due the city, and in the event of non-payment of any taxes, shall proceed to sell property to raise the amount of taxes so due; and shall, in the performance of his duties, observe the provisions of this act and the ordinances of the city relating thereto. He shall give bonds in such amount and in such form as the city council may provide, with good and sufficient sureties; and the city council may require a new bond whenever, in their opinion, the existing bond is insufficient; and whenever such bond is required, he shall perform no official act until said bond shall be given and approved. He shall report to the city council, at the first meeting of that body in every month, all moneys so collected and paid; and he shall perform all such other duties, and in such manner, and according to such rules and regulations, as the city council may prescribe. The collector shall receive such fees and compensations for services as may be fixed by the council.

Sec. 53. If from any cause the taxes charged in the real estate tax list shall not be collected or paid on the lands or lots described therein, on or before the first day of March ensuing the date of the warrant, it shall be the duty of the collector to demand and collect, for the use of, said city, in adition to the taxes remaining unpaid, five per cent. damages thereon, in every case; and if the

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assessments charged in any special assessment warrant, shall not be paid within sixty days after the first publication of notice by the collector, that he has received such warrant for collection, the assessments then remaining unpaid shall be collected with damages at the rate of three per cent. thereon, for each and every month thereafter, until the same shall be paid.

Sec. 54. It shall be the duty of the collector, between the first day of May and the last day of June in each year, to make a report to some court having jurisdiction, held in said city, at any special or regular term thereof, of all the taxes and assessments then remaining unpaid upon the real estate tax list, and all special assessment warrants which were delivered to him on or before the last day of the preceding month of April, asking for judgment against the several lots and parcels of land, or other property described in such list or warrants, for the amount of taxes, assessments, damages and costs respectively, due thereon. The collector shall give notice by six days publication thereof in the corporation newspaper, of his intended application for judgment, which shall briefly specify the nature of the respective warrants upon which such application is to be made, and request all persons interested to attend at such times. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid intended application by the collector to such court for judgment, and shall be held a sufficient demand and refusal to pay the said taxes and assessments.

Sec. 55. The collector shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with a certificate of the due publication thereof from the printer or publisher of the newspaper in which the same was published, and shall file the same with the clerk of such court at the said term, with said reports.

Sec. 56. The clerk of said court, upon the filing of such reports by the collector, shall receive and preserve the same, and shall record thereon all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate suit, and shall be docketed by the clerk in the following form, as nearly as may be, to-wit: City of Corpus Christi vs. ..... and others; suit for taxes. Or ..... City of Corpus

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Christi vs. .... and others; suit for assessment, or warrant for ....; or in such other manner as will sufficiently indicate the nature of the improvement for which assessment is due.

Sec. 57. It shall be the duty of the court, upon the filing of said reports, to proceed immediately to the hearing of the same; and they shall have priority over all other cases pending in said court; the said court shall pronounce judgment against the several lots and parcels of land, or other property described in said reports, for which no objection shall be filed, for the amount of the taxes, or assessment, damages and cost due severally thereon. The owner of any property described in said reports, or any person beneficially interested therein, may appear at said court at the time designated in the collector's notice, and file objections in writing to the recovery of judgment against such property; but no objection shall be sustained founded on any mere formal irregularity or defect. The court shall hear and determine all objections in a summary way, without pleadings, and shall dispose of the same with as little delay as possible, consistently with the demands of public justice; but should justice require that, for any cause, the suit as to one or more owners should be delayed for more than twenty days, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof the same as in all other cases.

Sec. 58. In all cases where judgment shall be rendered by default against the property described in said report, the court shall thereupon direct said clerk to make out and enter an order for the sale of the same, which said order shall be substantially in the following form: "Whereas, Due notice has been given of the intended application for a judgment against said lands and other property, and no owner hath appeared to make defense or shown cause why judgment should not be entered against the said lands and other property for the taxes (or assessment, as the case may be), damages and costs due and unpaid thereon; therefore, it is considered by the court, that judgment be and is hereby entered against the aforesaid lots and parcels of land and other property in favor of the city of Corpus Christi, for the sum annexed to each lot or parcel of land or other property, being the amount of the taxes (or assessment), damages and costs

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due severally thereon; and it is ordered by the court, that the said several lots and parcels of land or other property, or so much thereof as shall be sufficient, of each of them, to satisfy the amount of the taxes (or assessment), damages and costs annexed to them severally, be sold as the law directs." In all cases where a defense shall be interposed and judgment shall be rendered against the property, a similar order, adapted to the circumstances of the case, shall be made out and entered of record. Ten cents costs shall be taxed to each lot against which judgment is rendered, five cents to be for fees, and five cents for advertising the notice of sale.

Sec. 59. It shall be the duty of the clerk of such court, within twenty days after such order is granted as aforesaid, to make out, under the seal of said court, a copy of so much of said collector's report in such case as gives a description of the land or other property against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court therein, which shall constitute the process on which all lands, lots, sub-lots, pieces and parcels of land or other property shall be sold for the amount of any taxes, assessments, damages and costs so levied, assessed or charged upon them; and the said city collector is hereby expressly authorized and empowered to make sale of such land, lots, pieces or parcels of land or other property upon two days' notice, to be published at least three times in some newspaper printed in said city.

Sec. 60. That said advertisement, so to be published in each case of a judgment upon any special or general collection warrant and report as aforesaid, shall contain a list of the delinquent lots and parcels of land, or other property to be sold; the names of the owners, if known, the amount of the judgment rendered thereon, respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale, at a time and place to be named in said advertisement by said collector. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale, if the property be otherwise described with sufficient certainty. The proceedings may be stopped at any time upon payment of said judgment to the collector.

Sec. 61. In all proceedings and advertisements for the

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collection of said taxes and assessments, and the sale of lands therefor, letters and figures may be used to denote lots, sub-lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

Sec. 62. The sale shall be made for the smallest proportion of ground (to be taken from the east side of the premises), for which any person will take the same, and pay the amount of judgment thereon; certificates of sale shall be made and subscribed by the collector, which shall be delivered to the purchaser, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of the taxes or assessments, with the amount of the judgment for which the same was sold, and the time when the right to redeem will expire. The collector shall continue such sale from day to day, until all the lots or parcels of land, or other property contained in his precept, on which judgment remains unpaid, shall be sold or offered for sale.

Sec. 63. The person purchasing any lot or parcel of land, or other property, shall forthwith pay to the collector the amount of the judgment due thereon, and on failure to do so, the said property shall be again offered for sale in the same manner as if no sale had been made, and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any parcel of land or other property, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Sec. 64. The collector shall make return of his precept to the court from which the same was issued; a record of all sales made by the collector shall be kept in the office of the city clerk, which shall be open to public inspection at all reasonable times; and said record, or copies thereof, certified by said city clerk, shall be deemed sufficient evidence to prove the sale of any land or other property for taxes or assessment, or any other fact authorized to be recorded therein.

Sec. 65. The right of redemption in all cases of sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent as in allowed by law in the case of sales of real estates for taxes, on the payment in lawful money of the United States of double the

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amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest at the rate of ten per cent. per annum. If the real estate of any infant, feme covert, or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability shall be removed.

Sec. 66. Redemption shall be made by the payment of the amount of redemption money to the treasurer, and taking his voucher therefor, and filing the same in the office of the city clerk, who shall thereupon note the fact of said redemption upon his record of sales, or any person holding a certificate of sale may surrender the same to the city clerk to be canceled, and the fact shall in like manner be noted upon said record, upon the return of the certificate, or proof of its loss, and the filing with the city clerk of the affidavit required by the Constitution of this State. If the property shall not have been redeemed according to law, a deed shall be executed to the purchaser, or his assignees, under the corporate seal, signed by the mayor and clerk, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid. A memorandum of all deeds so made and delivered shall be entered by the city clerk in the book wherein tax sales are recorded, and a fee of one dollar may be charged by the city clerk for every deed so issued.

Sec. 67. Such certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

Sec. 68. Whenever it shall appear to the satisfaction of the city clerk, before the execution of a deed for any property sold for taxes, that such property was not subject to taxation, or that the taxes had been paid previous to the sale, he shall make an entry opposite to such property, on his record of sales, that the same was sold in error; and such entry shall be evidence of the fact therein stated; and this provision shall apply, so far as is applicable, to all sales for special assessment.

Sec. 69. All deeds made to purchasers of lots, lands, or other property sold for taxes or assessments, shall be prima facie evidence in all controversies and suits, in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, of the following facts:

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First—That the land or lot conveyed was subject to taxation or assessment, at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Second—That the taxes or assessments were not paid at any time before the sale.

Third—That the land or lot conveyed had not been redeemed from the sale at the date of the deed; and shall be conclusive evidence of the facts—

Fourth—That the land or lot was sold for taxes or assessments, as stated in the deed.

Fifth—That the land or lot was advertised for sale in the manner and for the length of time required by law.

Sixth—That the grantee in the deed was the purchaser. That the sale was conducted in the manner required by law. And in all controversies and suits, involving the title to the lot or land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to taxation at the date of sale; that the taxes or assessments had been paid; that the land or lot had never been listed and assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this State; but no person shall be permitted to question the title acquired by said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land or lot at the time of the sale, or that the title was obtained from the United States or this State, after the sale, and that all taxes due upon the lot or land have been paid by such person, or the person under whom he claims title as aforesaid; and no deed of land, or other property sold for the non-payment of taxes or assessments, shall be questioned in any suit or controversy, unless the person wishing to contest the same shall have tendered or deposited the amount of the redemption money and interest, as now provided by the laws of this State in case of sales of real estate for taxes.

Sec. 70. Any changes made in the incumbent of the office of the collector during the pendency of any such proceedings shall not operate to affect or delay the same,

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but the successor or successors in office of such collector shall be authorized to do all acts necessary to complete such proceedings, the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office, the proceedings shall be prosecuted by the mayor until such vacancy is filled.

Sec. 71. All sales of property for the non-payment of taxes and assessments for any improvement of whatever kind soever, shall be held at the same time with the general sale of property for non-payment of city taxes in each year, unless in particular cases said sale is stayed or delayed by examination or process of law; the intent thereof being that there shall be but one general collection by sale of all taxes and assessments whatsoever, in each and every year, which sale shall take place in the manner hereinbefore provided, and at the same time in each year; provided, that in all cases where judgment should be delayed in consequence of any appeal, or the delay of any court in rendering its decision, such sales may be made at any time after final pudgment shall have been rendered, upon notice to be given [as] in other cases.

Sec. 72. Any assessor, collector, or other officer, who shall in any case refuse, or knowingly neglect to perform any duty enjoined upon him by this act, shall, for every such neglect or refusal, be liable to said city individually, and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal, to be recovered in an action of debt, in any court having jurisdiction of the amount thereof.

Sec. 73. If any purchaser of lands, lots or other property, sold for city taxes or assessments, shall suffer the same to be again sold for like taxes or assessments, before the expiration of two years from the date of his or her purchase, such purchaser shall not be entitled to a deed for the property until the expiration of two years from the date of the second sale, during which time the land, lot, or other property, shall be subject to redemption, and the person redeeming shall only be required to pay for the use of the purchaser, at the first sale, the amount paid for the property, and double the amount paid by the second purchaser for his use, as in other cases.

Sec. 74. In all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought to

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bear and pay every charge or assessment made for the expense of any public improvement. When any such charge or assessment shall be made upon or paid by any person, when, by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest; or he may retain and deduct the same from any rent due or to become due to such person. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of such assessment.

Sec. 75. When any known owner, residing in said city or elsewhere, shall be an infant, and any proceeding had under this act shall render it necessary, the District Court of the county of Nueces, the judge thereof, or any judge of any court of general jurisdiction in said city, may, upon the application of the city council, or such infant or his next friend, appointed [appoint] a guardian for the faithful execution of such trust, and all personal notices and summons required by this act may be served on such guardian.

Sec. 76. The purchaser or purchasers may apply to the district court at any time after the expiration of two years for the confirmation of sale, and which said decree of confirmation shall vest full and absolute title in the purchaser or purchasers of said property, their heirs or assigns; and said district court shall take and exercise all jurisdiction required to carry this into effect, and such ordinances as may be passed by the city council relating to the subject matter.

Chief of Police.

Sec. 77. The chief of police shall, either in person or by deputy, attend upon the recorder's court while said court is in session, and shall promptly and faithfully execute all writs and process issued from said court, He shall be the chief police officer of the city under the mayor. He shall have like power with the sheriff of the county to execute all process and writs. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the

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county; and he shall have authority to take suitable and sufficient bail for the appearance before the recorder's court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest all violators of the public peace, and all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of disorderly conduct, or disturbances whatsoever. To prevent a breach of the peace, or preserve quiet and good order, he shall have authority to close any theatre, bar room, ball room, drinking house, or any other place or building of public resort; and in the prevention and suppression of crime, and arrest of offenders, he shall have, possess and execute like power, authority and jurisdiction as the sheriff of a county, under the laws of the State. He shall receive a salary to be fixed by the city council. The chief of police shall give such bond for the faithful performance of his duties as the city council may require, and he shall perform such other duties and possess such other powers, rights and authority as the city council may by ordinance require and confer, not inconsistent with the Constitution and laws of this State. No written process shall be necessary for the arrest of offenders against the by-laws and ordinances of said city, or against the laws of the State. Should the mayor, a member of the city council or the chief of police so direct, arrests shall be made without warrants therefor, in all cases where escapes would otherwise be the consequence.

Title V.—Of Sanitary Regulations.

Sec. 78. The city council may appoint a health physician, and as many health inspectors as they may deem necessary, and shall prescribe, by ordinance, the powers and duties of the same.

Sec. 79. The city council shall have power to take such measures as they may deem effectual to prevent the entrance of any pestilential, contagious or infectious disease into the city; to stop, detain and examine for that purpose any person coming from any place infected, or believed to be infected, with that disease; to establish, maintain and regulate pest houses or hospitals at some place within the city, or not exceeding five miles beyond its bounds; to cause any per-

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son who shall be suspected of being infected with any such disease, to be sent to such pest house or hospital; to remove from the city or destroy any furniture, wearing apparel, or property of any kind, which shall be suspected of being tainted or infected with pestilence, or which shall be likely to pass into such a state as to generate or propogate disease; to abate all nuisances of every description which are or may become injurious to the public health, in any manner that they may deem expedient, and from time to time do all acts, make all regulations and pass all ordinances which they shall deem expedient for the preservation of health, and the suppression of disease in the city.

Sec. 80. The captain, master, or person in charge of any boat, steamboat, steamship or other craft or vessel, which shall enter the port, having on board thereof any person sick of any malignant fever, or other pestilential, contagious or infectious disease, shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, unless the person so diseased became so on the way and could not be left. It shall be the duty of such captain, master or person in charge, within three hours after his arrival, to report in writing to the health physician the fact of such sick person being on board, and the name, description and location of his craft; and he shall not permit such sick person to land or be landed, or to communicate with the shore in any way, until the health physician shall give permission for that purpose; and any neglect or violation of these provisions, or either of them, shall be a misdemeanor, punishable with fine or imprisonment, or either.

Sec. 81. The owner, driver, conductor, or person in charge of any stage, railroad car, or other public conveyance which shall enter the city, having on board any person sick of a malignant fever, or pestilential, contagious or infectious disease, unless such person became sick on the way, and could not be left, shall be deemed guilty of a misdemeanor, punishable with fine and imprisonment, or either. Such owner, driver, conductor, or person in charge, shall, within three hours after the arrival of such sick person, report in writing the facts, with the name of such person, and the house where he was put down in the city, to the health physician; and every neglect to comply with these provisions shall be a

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misdemeanor, punishable by fine and imprisonment, or either.

Sec. 82. Any person who shall bring, or cause to be brought, into the city any person, or property of any kind, tainted or infected with malignant fever, or pestilential or infectious disease, shall be guilty of a misdemeanor, and punishable by fine and imprisonment, or either.

Sec. 83. The health physician shall have power, by an order in writing for that purpose, to be served on the master, captain or person in charge of any boat, steamboat, steamship, or other ship, vessel or craft that may be by him suspected to have on board any infected or diseased property or person, to require such boat, steamboat, steamship, vessel or craft not to enter within the city limits or harbor, or to remove to some certain distance, not less than two miles from the city; and every such master, captain or person in charge, consignee or owner, who shall be served with such order, shall be guilty of a misdemeanor, punishable with fine and imprisonment, if such boat, steamboat, steamship, ship, vessel, or other craft, shall enter the harbor or city in violation of such order, or shall not be removed according to the tenor of such order, within a reasonable time after the service of such notice.

Sec. 84. The health physician may be authorized by the city council, when the public interest requires, to exercise, for the time being, such of the powers and perform such of the duties of the chief of police as the city council may, in their discretion, direct; and shall be authorized to enter all houses and other places, private or public, any boats or other water craft, at all times, in the discharge of his duties under this act, having first asked permission of the owners or occupants. The city council shall have power to punish, by fine and imprisonment, or either, any neglect or refusal to observe the orders and regulations of the health physician.

Sec. 85. Every person keeping a hotel, boarding or lodging house in the city, who shall have in his house at any time, between the first day of June and the first day of November, any sick guest, traveler, sailor or other person, shall report the fact and name of the person, in writing, within six hours after he came to the house, or was taken sick therein, to the health physician. Every

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physician in the city shall report, under his hand, to the officer above named, the name, residence and disease of every patient whom he shall have sick of any malignant fever, or infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, or either.

Title VI.—Fire Department.

Sec. 86. The city council, for the purpose of guarding against the calamities of fire, may prohibit the erection, building, placing, moving or repairing of wooden buildings within such limits within said city as they may designate and prescribe; and may also, within said limits, prohibit the moving or putting up of any wooden building from without said limits; and may also prohibit the removal of any wooden building from one place to another within said limits; and may direct, require and prescribe that all buildings within the limits so designated and prescribed as aforesaid shall be made or constructed of fire-proof materials; and may prohibit the rebuilding or repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and may prescribe the manner of ascertaining such damage; may declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; may declare all wooden buildings in the fire limits, which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed or abated, in such manner as they shall prescribe.

Sec. 87. The city council shall have power to prevent and prohibit the dangerous condition of chimneys, flues, fire places, stove pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

Sec. 88. To prevent the deposit of ashes in places where they would be liable to produce fire, or in any wooden box or barrel, or within any wooden building; and to appoint one or more officers to enter into all build-

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ings and enclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition.

Sec. 89. To require the inhabitants to keep and provide as many axes, fire-buckets and ladders, or other means to reach the roof, as they shall prescribe, and to regulate the use thereof in times of fire, and to require the construction of a fire wall in their premises.

Sec. 90. To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires; to prohibit or regulate the building and erection of lumber yards, carpenter shops and sheds.

Sec. 91. To regulate, prevent and prohibit the use of fire-works, fire-crackers, and firearms.

Sec. 92. To direct, control, and prohibit the keeping and management of houses, or any building for the storing of gunpowder and other combustible, explosive and dangerous materials, within the city; to regulate the keeping and conveying of the same, and the use of lamps, lanterns, and other lights in stables and other like houses.

Sec. 93. To regulate and prescribe the manner, and to order the building of parapet and party walls, and partition fences.

Sec. 94. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs and stairs or ladders leading to the same.

Sec. 95. To authorize the mayor, fire wardens, officers of fire companies, or any officers of said city, to keep away from the vicinity of any fire all idle, disorderly, and suspicious persons, and arrest and imprison the same, and compel all officers of the city, and all other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Sec. 96. And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Sec. 97. The city council shall procure fire engines and other apparatus for the extinguishment of fires, and have control thereof, and provide engine houses for keeping and preserving the same; and shall have power to organize fire, hook and ladder, hose and ax companies, and a fire brigade; and the companies so organized, with

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such engineers as may be provided for, and the chief engineer, shall constitute the fire department of the city. Each company shall have the right to elect its own members and officers. The engineers shall be chosen in such manner as said department may determine, subject to the approval of the city council, who shall define the duties of said officers, and pass such ordinances as they may deem proper for the interest and welfare of said department, and contribute to the efficiency thereof. All officers so elected and approved shall be commissioned by the mayor; and the said companies, officers and members shall observe and be governed by the ordinances of said city relating to said fire department; said companies shall have power to adopt their own constitution and by-laws, not inconsistent with the provisions of this act and the ordinances of said city; and said department shall take the care and management of the engines and other implements and apparatus provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

Sec. 98. When any building in the city is on fire, it shall be lawful for the chief, or acting chief engineer, with the concurrence of the mayor, to direct such building, or any other building which they may deem hazardous and likely to take fire and communicate to other buildings, to be torn down, or blown up, or destroyed; and no action shall be maintained against any person, or against the city therefor; but any person interested in any such building so destroyed or injured may, within three months, and not thereafter, apply in writing to the city council to assess and pay the damages he has sustained; and if the city council and the claimant can not agree on the terms of adjustment, then the application of such claimant shall be referred to three commissioners, one to be appointed by the claimant, one by the city council, and the third by both. They shall be sworn faithfully to execute their duty according to the best of their ability; shall have power to subpoena and swear witnesses, and shall give all parties a fair and impartial hearing, and give notice of time and place of meeting. Said commissioners shall be qualified voters,and owners of real estate in the city; shall take into account the probability, whether the said building would have been destroyed or injured by fire, if it had not been so pulled down or de-

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stroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made and finally confirmed for the appraising said damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of said damages.

Sec. 99. Every person actively serving as a fireman, or who shall have so served as a fireman in the city for a continuous term of five years, shall be exempted from all militia duty, except in cases of insurrection or invasion. A certificate of the mayor, under the city seal, shall be evidence of such exemption. The engineer and assistant engineers, and members of hook and ladder, hose and ax companies, fire brigade and fire wardens shall be deemed firemen of this city within the meaning of this section; and they severally shall, during their term of services as such, be exempt from serving on juries in all courts of this State. The name of each fireman shall be registered with the recorder of the city, and the evidence to entitle him to the exemption from jury duty shall be the certificate of the recorder, made within the year in which this exemption is claimed.

Sec. 100. All fines or penalties imposed and collected for a violation of the laws and ordinances of the city for preventing and extinguishing fires, shall be paid to the treasurer of the firemens' funds, for the use and benefit of said association.

Sec. 101. The engineers of the fire department shall also act as fire wardens, and it shall be their duty to examine all buildings and enclosures, to discover whether the same are in a dangerous state, and to report to the chief engineer all violations of the charter or ordinances of said city in relation to the prevention or extinguishment of fires.

Sec. 102. The city council shall have power, in its discretion, to make the appointment of a fire marshal, whose duty it shall be to inquire into and investigate the cause of all fires which may occur in the city, as soon as may be, after they occur, and to keep a record of his proceedings and of the evidence in each case, and to file the same, or a copy thereof, in the office of the city recorder. He shall have power to compel the attendance of any person in said city to testify upon oath concerning any fire in said city, under such penalty as the board of aldermen may provide; and he is hereby authorized to administer

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oaths to all such witnesses. He shall be required to use his utmost exertions in the discovery, arrest and conviction of all incendiaries, and perform such other duties as the board of aldermen may prescribe. Any or all of the above mentioned duties may be devolved by the board of aldermen upon the chief engineer.

Sec. 103. All licenses paid by and taxes received from life, fire and marine insurance agencies or companies, doing business in the city, shall be reserved and set apart, to create a fund for the relief of distressed firemen, who may become disabled in the service of the city, and shall be used solely for that purpose. Said money shall be disbursed in such sum and under such rules and regulations as the city council may from time to time make and adopt.

Title VII.—City Council and its Powers.

Sec. 104. The city council shall have the management and control of the finances and other property, real, personal and mixed, belonging to the corporation, and shall likewise have the power, within the jurisdiction of the city, by ordinance, to remove and prevent all obstructions in the bay, anchorage, harbor, canals and entrances thereto, within the limits heretofore mentioned; and to improve and preserve the navigation thereof, and to erect, repair and regulate wharves, and to regulate the rates of wharfage; provided, the provisions of this clause relating to wharves shall apply only to property owned and controlled by this city.

Sec. 105. To have the exclusive control and power over the streets, alleys and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, extend, establish, regulate, grade, clean, or otherwise improve the same; to put drains and sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from encroachment or injury, and to regulate and alter the grade of premises, and to require the filling up and raising of the same.

Sec. 106. To establish, erect, construct, regulate and keep in repair, bridges, culverts and sewers, sidewalks and crossways, and to regulate the construction and use of the same, and to abate and punish any obstructions or

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encroachments thereon; and the cost of the construction of sidewalks shall be defrayed by the owners of the lot, or part of lot or block, fronting on the sidewalk, and the costs of any sidewalk constructed by the city shall [be] collected, if necessary, by the sale of the lot, or part of lot or block, on which it fronts, together with the cost of collection, in such manner as the city council may, by ordinance, provide; and a sale of any lot, or part of lot or block, to enforce collection of cost of sidewalks, shall convey a good title to the purchaser, and the balance of the proceeds of sale, after paying the amount due the city, and cost of sale, shall be paid by the city to the owner.

Sec. 107. To prevent the encumbering of the streets, alley[s], sidewalks and public grounds with carriages, wagons, carts, hacks, buggies, or any vehicle whatever, boxes, lumber, timber, fire-wood, posts, awnings, signs or any other substance or materials whatever, or in any other manner whatever; to compel all persons to keep all weeds, filth, and any kind of rubbish, from the sidewalks and streets and gutters in front of the premises occupied by them; to require and compel the owners of property to fill up, grade, shell and otherwise improve the sidewalks in front of and adjoining their property; also to inspect the construction of buildings, and to cause unsafe buildings to be made safe or be removed, and to prohibit the use of certain materials deemed unsafe.

Sec. 108. To appropriate money, and to provide for the payment of the debts and expenses of the city.

Sec. 109. To provide, by ordinance, special funds for special purposes, and to make the same disbursable only for the purposes for which the fund was created; and any officer of the city misappropriating said special funds shall be deemed guilty of malfeasance in office, and shall, on complaint of any one interested in said fund so misappropriated, be removed from office, and be incapable thereafter to hold any office in said city, and shall, on conviction before any court of competent authority, be fined in a sum not exceeding five hundred dollars, and be imprisoned not exceeding six months.

Sec. 110. To issue and negotiate bonds of the city to such extent as may be necessary to pay any debt of said city, or to pay for improvements of the streets, lots, public squares, sidewalks, the harbor and the entrances

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thereto, or the erection of wharves and piers at the east end of the streets of the city, or the construction of fire wells and tanks, or to fill up the flats in front of the city between low water mark and deep water, in Corpus Christi Bay.

Sec. 111. That upon the issuance of any such bonds, the city council shall assess and levy, and cause to be collected, a special tax upon all subjects and objects taxed by the State, not exceeding in any one year one per centum; and this tax shall be set apart for and shall constitute a sinking fund to pay the interest coupons of said bonds as due, and to redeem the bonds at or before maturity.

Sec. 112. That the city council shall, by ordinance, provide for the issuance of any such bonds or set of bonds and coupons, declaring the object for which they are to be issued; the amount thereof; their form; the rate of interest; time, mode and manner of payment of principal and interest; whether in gold or legal tender currency of the United States; to be signed by the mayor, countersigned by the city clerk, sealed with the seal of the city, and numbered; the said city council may make such other and further regulations in regard to such bonds, their negotiation, redemption and collection, as may be necessary to give full force and effect to the two preceding sections.

Sec. 113. That such bonds having been negotiated, and the special taxes aforesaid been once assessed by the city council, such special tax shall be deemed and taken as assessed each and every subsequent year until final redemption of said bonds has been effected; and such tax shall be levied and collected from year to year, by the proper officers, as in other cases under authority of this section, until such final redemption, any action or omission of a future city council to the contrary notwithstanding.

Sec. 114. The city council shall have power to license, tax and regulate merchants, commission merchants, hotel and inn keepers, drinking houses or saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold; brokers, money brokers, real estate agents, insurance agents, insurance brokers, and auctioneers, and all other trades, professions, occupations and callings, the taxing of which is not pro-

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hibited by the Constitution of the State, which tax shall not be construed to be a tax on property.

Sec. 115. To license, tax and regulate, suppress and prevent, hawkers, peddlers, pawnbrokers, and keepers of theatrical or other exhibitions, shows and amusements. To license, tax, regulate or prohibit theatres, circuses, the exhibitions of common showmen, and of shows of any kind, and the exhibition of natural or artificial curiosities, caravans, menageries, and musical exhibitions and performances.

Sec. 116. To license, tax and regulate hackmen, draymen, omnibus drivers, and drivers of baggage wagons, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation and provide for their protection, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered, and to regulate, license, and restrain runners for steamboats, railroads, stages and public houses.

Sec. 117. To license, tax and regulate billiard tables, pin alleys, ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, gambling and gambling houses, lotteries, and all fraudulent devices and practices, and prohibit within certain limits bawdy houses, houses of prostitution or assignation.

Sec. 118. To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be issued for a longer period than one year, and shall not be assignable except by permission of the city council.

Sec. 119. To restrain, regulate and prohibit the selling or giving away indirectly, to evade a tax or penalty, of any intoxicating or malt liquors by any person within the city, except by persons duly licensed; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or habitual drunkard.

Sec. 120. To prevent, restrain and punish engrossing, forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry, fish, vegetables, butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Sec. 121. To make such rules and regulations in relation to butchers as they may deem necessary and proper.

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Sec. 122. To establish and erect markets and market houses: designate, control and regulate market places and privileges; inspect and determine the mode of inspecting meat, fish, vegetables and all produce, and every article and thing therein brought for sale.

Sec. 123. To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

Sec. 124. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within ten miles thereof.

Sec. 125. To erect and establish one or more hospitals, and control and regulate the same; to regulate, or prohibit and punish the establishment of private hospitals.

Sec. 126. To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient.

Sec. 127. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppressing of disease.

Sec. 128. To abate and remove nuisances, and to punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be nuisances, and authorize and direct the summary abatement thereof.

Sec. 129. To compel the owner or occupant of any grocery, soap, tallow or chandler establishment, or blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewer, privy, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

Sec. 130. To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables, and any manufacturing establishment; to direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city, slaughtering establishments and hide houses, or establishments for keeping or curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

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Sec. 131. To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers, giving to the mayor the right of nomination of said watchmen and policemen.

Sec. 132. To suppress and prevent any riot, rout, affray, noise, disturbance or disorderly assembly in any public or private place within the city.

Sec. 133. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

Sec. 134. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Sec. 135. To establish and regulate public pounds, and to regulate, restrain and prohibit the running at large of horses, mules, dogs, cattle, sheep, swine, goats and geese, and to authorize the distraining, impounding and sale of the same for costs of the proceeding and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners thereof for a violation of any ordinance, and to impose penalties on the owners or keepers thereof.

Sec. 136. To prohibit and restrain the rolling of hoops, flying of kites, firing of fire-crackers, use of velocipedes, or use of any pyrotechnic or any other amusement or practice tending to annoy persons passing in the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, practices and performances tending to the collection of persons on the streets and sidewalks, by auctioneers and others, for the purpose of business, amusement, or otherwise.

Sec. 137. To regulate the carrying of weapons, and to prevent the carrying of the same concealed.

Sec. 138. To regulate the burial of the dead; to purchase, establish and regulate one or more cemeteries; to regulate the registration of deaths, marriages and births; to direct the returning and keeping of bills of mortality, and impose penalties on physicians, sextons, and others, for any default in the premises. No person shall be buried without certificate of a physician or post mortem examination.

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Sec. 139. To regulate and determine the times and places of bathing and swimming in the waters within said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Sec. 140. To prevent all boxing matches, sparring exhibitions, cock and dog fighting, and punish all persons thus offending.

Sec. 141. To prevent all trespasses, breaches of the peace and good order, assaults, assaults and batteries, fighting, quarreling, using abusive and insulting language, misdemeanors, and all disorderly conduct, and punish all persons thus offending.

Sec. 142. To prevent and punish the keeping of houses of prostitution within the city, or within such limits therein as may, by ordinance, be defined, and to adopt summary measures for the removal or suppression of all such establishments.

Sec. 143. To provide for lighting streets, and erecting lamp posts and lamps therein, and regulate the lighting thereof, and from time to time create, alter, or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys, sidewalks and elsewhere.

Sec 144. To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets or elsewhere, within said city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Sec. 145. To provide for the enclosing, regulating and improving of all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees, in the streets, sidewalks or public grounds.

Sec. 146. To erect and establish one or more work houses, or house of correction, within or outside the city limits, make all necessary rules and regulations thereof, and appoint all necessary keepers, or assistants. In such work house, or house of correction, may be confined all vagrants, stragglers, idle, suspicious and disorderly persons, who may be committed by the mayor and recorder; and any person who shall fail or refuse to pay the fine, penalty, or costs, imposed for any misdemeanor, or breach of any ordinance of the city, may, instead of being com-

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mitted to jail, be kept therein, subject to labor and confinement.

Sec. 147. To require the owner, agent, or occupant of any ground, lots, yards, private drains, sinks and privies, to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, as may be ordered by any resolution or ordinance of said city; and in the event of any failure, neglect, or refusal to comply with any such order, the party so failing shall be liable to fine and imprisonment. The city may have such work done, and such improvement made on account of the owner thereof, and all costs, charges and expenses shall be a lien on the property, on the filing of a memorandum thereof by the mayor, under the seal of the corporation, and recording the same with the clerk of the district court; and the city may enforce said lien, and institute suit in the corporate name, and obtain judgment against said party for the amount so due as aforesaid, in any court having jurisdiction.

Sec. 148. To direct and control the laying and construction of railroad tracks, turnouts and switches, or prohibit the same in the streets, avenues and alleys of the city, and to prohibit or control the location of depot grounds within the city; to require that railroad tracks, turnouts and switches shall be so constructed as to interfere as little as possible with the ordinary travel and use of streets, avenues and alleys; and that sufficient space shall be left on either side of said track for the safe and convenient passage of teams, carriages and other vehicles, and persons; to require railroad companies to keep in repair the streets, avenues and alleys through which their track may run, and, if ordered by the city council, to light the same; and to construct and keep in repair suitable crossings at the intersection of streets, avenues and alleys, and ditches, sewers and culverts, when the city council shall deem necessary; to direct the use and regulate the speed of all steam, or horse cars within said city, or prevent and prohibit the use or running of the same within the city; and shall and may make them conform to the grades of the streets upon which their tracks may be laid, whenever said streets shall have been graded by the city, and shall compel city railroads to supply ample accommodation for the safe and convenient travel of the people on any street where their track may run. The city council may enforce these regulations by proper ordinances, with suitable penalties for any violation of said ordinances.

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Sec. 149. To establish standard weights and measures to be used within the city in all cases not otherwise provided for by law; to require all traders and dealers in merchandise or property of any description, which is sold by weight or measure; to cause their weights and measures to be tested and sealed by the city sealer, and be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law.

Sec. 150. To regulate and provide for the inspection and measuring of lumber, shingles, timber, posts, and all kinds of building materials, and for measuring all kinds of mechanical work, and to appoint one or more inspectors or measures thereof. Exclusively to provide for the inspection and weighing of wool, hides, skins and peltries, and the manner and place of selling the same; provided, that said inspector shall be entitled to no fee unless required to exercise the duties of his office by and at the request of the parties purchasing or selling said goods and merchandise, or either of them. To regulate the inspection of beef, pork, flour, meal, salt and other provisions, whisky and other liquors, to be sold in barrels, hogsheads, and other vessels and packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees. To regulate the weight and quality of the bread to be sold or used within the city.

Sec. 151. To appoint surveyors of the stowage, dunnage and condition of all vessels and crafts, within the port of Corpus Christi, and of all cargoes and freights received in or shipped from the same, which surveyors shall be known as port wardens, and whose duties may be discharged by or added to the harbor master's; provided, that such port wardens shall not be entitled to demand or collect any fee unless called upon to act in their official capacity by a party interested in the premises, and their fees shall have been fixed by ordinance of the city council.

Sec. 152. To prevent any person from bringing, depositing or having, within the limits of said city, any dead carcass, or other offensive or unwholesome substances or matters, and to require the removal or destruction, by any person who shall have placed or caused the same to be placed upon or near his premises or elsewhere, of any substance or matter, filth, or any putrid or unsound beef,

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pork or fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the city, and to require the owner of any dead animal to remove the same to such place as may be designated.

Sec. 153. To prevent, regulate and control the driving of cattle, horses, and all other animals, into or through the city.

Sec. 154. To compel and force all offenders against any ordinance of this city, found guilty by the recorder and sentenced to fine and imprisenment, to labor on the streets and alleys of said city, or on any public work, under such regulations as may by ordinance be established.

Sec. 155. The city council shall have power to assess and collect the ordinary municipal taxes upon the city or horse railroads.

Sec. 156. To preserve the harbor, dredge out, widen and deepen the channels of the said harbor, and prevent any use of the same, or any act in relation thereto, inconsistent with the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting, throwing or depositing therein, of any such stone, shell or other substance, filth, logs, or floating matter; to prevent and remove all obstructions therein, and to punish the authors thereof; to prevent, prohibit and punish the erection of wharves in Corpus Christi Bay, or other extensions therein; to regulate and prescribe the mode and speed of vessels, steamboats and other crafts entering and leaving the harbor, and of coming to and departing from the wharves, and the disposition of the sails, yards, anchors, and other appurtenances thereof while entering, leaving or abiding in the harbor, and to regulate and prescribe by such ordinance such a location of every steamboat, steamship, or other craft, ship, vessel, barge, boat, or float, and such changes of station, and use of the harbor as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such steamboats, steamships, or other craft, ship, vessel, barge, boat, or float, and may impose penalties and imprisonment for any offense against such ordinance; and may appoint one or more harbor masters to carry out the powers herein granted, and to report to the recorder any violation of such ordinances.

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Sec. 157. That power and authority is hereby given to the city of Corpus Christi for the construction, use and maintenance of a ship channel from Corpus Christi Bay, either by way of, and through Turtle Cove, in the direction of the United States light-house, into Aransas Bay, or by the route of a canal to be excavated and constructed through Mustang Island, or by a channel to be opened directly from Corpus Christi Bay to and through Corpus Christi Pass, so as to connect Corpus Christi by safe and practicable navigation with the Gulf of Mexico; and said city shall have authority, if deemed expedient or necessary for the fulfillment of their object, to construct an embankment or levee across the mouth of the Laguna del Madre, in order to prevent the waters of Corpus Christi Bay from passing into said Laguna, and for the confining said waters to the excavated channel as an outlet; to build, or purchase, own, and hold, any dredge boats, steam-tugs, or vessels that may be useful or necessary in the construction of said canal, or convenient, or a help to the navigation thereof; and said city shall have the right to locate the route of the channels or canals herein designated, in such manner as upon actual survey by competent engineers may appear most judicious and conductive to the public interest; and for such objects may appropriate, use and hold so much of the public lands as may be required for the constructing of said channel or canal, and also so much as may be necessary for the work and embankments on either side of said channel or canal, not to exceed one hundred yards on each side thereof; and that private lands may be appropriated in like manner as is done by railroads.

Sec. 158. That said city shall have power to levy, receive and collect toll upon all freight passing through said channel or canal, not to exceed five (5) cents for every five (5) cubic feet of freight carried through the same, or at the rate of one-half of one cent for each and every mile of channel or canal on each one hundred pounds of freight so carried, at the option of the city council; provided, that all charges of tolls shall be made upon terms of equality to all persons navigating said canal. And the channel or canal mentioned in this act shall be by said city properly excavated and maintained throughout its entire length, at least to a depth of eight (8) feet large in ordinary tides, and with a width of at least one hundred

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(100) feet; and no tolls for the use of said canal shall be charged or levied until after due survey by three disinterested and competent seamen or ship owners, for such purpose appointed by the district judge for Nueces county, and after a report of such survey by said appointees, certified as true by them, or a majority of them, shall have been filed with said judge, certifying that said channel or canal has been completed by the city to the width and of the depth above mentioned. Said corporation shall also have power, if they shall deem advisable, to excavate and complete said canal to a depth of twelve (12) feet and width of two hundred (200) feet, but shall not be authorized, on account of such further extension, to make or collect any other or higher tolls than above mentioned. Any steamer, vessel or craft using said canal and refusing to pay the toll established and which is properly chargeable upon the freight carried, under the provisions of this charter, on each refusal shall be held liable to double the amount of the current rate of toll which should have been paid to said corporation, and the same shall operate as a lien and charge upon any such steamer, vessel or craft, and upon their freight, until the full payment thereof is made, to be enforced before any court of competent jurisdiction; provided, that the said canal, with all works or improvements appertaining thereto, shall be at all times subject, by the order of the Governor, to the inspector [inspection] of the State engineer, or of such officer as the Governor may designate for such purpose.

Sec. 159. That to have any of the foregoing works executed, the city may contract with any proper person, upon such terms and conditions as by ordinance the city council may establish; and to pay for the necessary work may issue their bonds, with interest coupons attached, signed by the mayor and clerk, and sealed with the seal of the city, for such sums, and with such interest, and payable at such time and in such place, as said council may deem requisite and proper, out of and from, with lien on the revenues arising from, the tolls of any such canal, which tolls shall remain pledged for the entire redemption and payment of said bonds and coupons; provided, always, that whenever such bonds and coupons shall have been fully paid, and the city reimbursed for any actual outlay on account of such canal, all further collections of tolls shall forthwith cease and determine.

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Sec. 160. The city council shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations, not contrary to the Constitution of this State, for the good government, peace and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the prison, work house or house of correction, or both, in the discretion of the court before whom conviction may be had; but no fine or penalty shall exceed two hundred dollars, nor the imprisonment more than three months, for any offense, unless a larger fine and longer period of imprisonment are herein allowed; and for any fine, penalty and costs imposed by the recorder, in the trial of any cause or complaint before him, execution may issue to collect such fine and costs, to be levied and executed in the same manner that executions are from the district court. The same shall be issued by the city clerk, under the corporate seal, to the chief of police, who, in levying on property and selling shall have like power and authority as the sheriff of the county in executions issued from the district court; and the laws of the State, so far as applicable, shall apply to and be in full force and effect as to executions issued from the recorder's court, and the chief of police in executing the same. Any person, upon whom any fine or penalty is imposed, may be committed until the payment of the same, with costs; and in default thereof may be imprisoned in the city prison or work house, or house of correction, or may be required to work on the streets, or other public work of the city, for such time and in such manner as may be provided by ordinance; provided, such imprisonment shall not exceed three months, unless a longer period is herein allowed. Every ordinance which shall have been passed by the city council shall, before it becomes a law, be presented to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the council, which objections shall be entered at large on the journal, and the ordinance be reconsidered. If, after such reconsideration, two-thirds of all the members of

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the board shall agree to pass the same, it shall be in force as an ordinance. In all such cases the votes of the city council shall be taken by yeas and nays, and entered on the journal. If any ordinance shall not be returned by the mayor in five days (Sunday excepted) after it shall have been presented to him for his approbation, the same shall be in force as an ordinance in the same manner as if he had approved and signed it. Every resolution, except in case of adjournment, shall be presented to the mayor, and before the same shall take effect shall be proceeded upon in the manner as in case of an ordinance.

Title VIII.—General Provisions.

Sec. 161. The mayor and aldermen shall constitute the city council of said city. The city council shall meet at such times and places as they shall by resolution direct. The mayor, when present, shall preside at all meetings of the city council, and shall have in all cases a casting vote, except in elections; in his absence any one of the aldermen may be appointed to preside.

Sec. 162. The city council shall hold stated meetings, and the mayor, of his own motion, or on the application of three aldermen, may call special meetings by notice to each of the members of said council, served personally, or left at their usual place of abode. Petitions and remonstrances may be presented to the council in writing only, and the council shall determine the rules of its own proceedings and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members, and punish them for disorderly conduct, and with the concurrence of two-thirds of the members elected may expel a member.

Sec. 163. The members of the city council shall be fire wardens and conservators of the peace.

Sec. 164. The city council shall by ordinance levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied (not exceeding the authorized per centage), particularly specifying the purpose for which the same are levied.

Sec. 165. All city officers who are required by the provisions of this act, or by any legal ordinance passed by the city council, to give bonds for the faithful per-

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formance of their official duty, shall file their bonds with the city clerk within fifteen days after their election or appointment, and he shall record the same, when approved, in a book kept for that purpose. When bonds are not filed with the city clerk within fifteen days after the votes shall have been officially canvassed, or after the appointment shall have been made, the person so in default shall be deemed to have refused said office, and the same shall be filled by appointment, as in other cases. If in any cases any official bond so filed shall not be approved, the officer filing the same shall furnish a new and satisfactory bond within fifteen days after such disapproval, and in case of failing so to do, he shall be deemed to have refused such office, and the same shall be filled as above provided. No alderman or other city officer shall be taken as security upon any bond, note, or other obligation made to the city. No city officer, required to give bond as aforesaid, shall enter upon the discharge of the duties of his office until such bond shall have been filed and approved, as by this act provided.

Sec. 166. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor shall and may recover possession of the books, papers and property appertaining to his office, in the manner prescribed by the laws of the State.

Sec. 167. All persons elected or appointed to any office under this act shall be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the board of aldermen and clerk.

Sec. 168. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters on the duties of his office, take and subscribe the oath of office prescribed in the Constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the city clerk.

Sec. 169. The city council shall, as soon as may be after the commencement of each municipal year, contract, as they may by ordinance or resolution determine, with

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a public newspaper of the city, as the official paper thereof, and to continue as such until another is elected, and shall cause to be published therein all ordinances, notices and other matters required by this act, or by the ordinances of the city, to be published.

Sec. 170. Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall after the passage thereof, be published in every issue of the official paper for ten days, and proof of such publication by the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance in all courts. Ordinances passed by the city council and requiring publication shall be in force from and after the publication thereof, unless it be therein otherwise expressly provided. Ordinances not requiring publication shall take effect and be in force from and after their passage unless it shall be therein otherwise expressly provided.

Sec. 171. The city council shall, at least ten days before the annual election in each year, cause to be published, in the official paper, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the funds are derived, and showing for what purpose disbursed, the condition of the treasury, together with such information as may be necessary to a full understanding of the financial condition of the city.

Sec. 172. The style of all ordinances shall be, "Be it ordained by the city council of the city of Corpus Christi;" but it may be omitted when published in the form of a book or pamphlet.

Sec. 173. No person, other than an elector, resident of the city, shall be appointed to any office by the city council, nor be eligible for mayor or alderman.

Sec. 174. Resignation by any officer, authorized to be elected or appointed by this act, shall be made to the city council in writing, subject to their approval and acceptance; provided, that nothing in this section contained shall apply to appointments by the mayor; any such appointee, wishing to resign, shall present his resignation to that officer, in writing, for his action.

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Sec. 175. The city council shall have power to remove any officer, except the mayor, for incompetency, corruption, malconduct, or malfeasance in office, after due notice and an opportunity to be heard in his defense; and, in addition to the foregoing power of removal, the city council shall have power, at any time, to remove any officer of the corporation elected by them, by resolution declaratory of its want of confidence in said officer; provided, that two-thirds of the aldermen elected shall vote in favor of said resolution.

Sec. 176. Whenever any person shall be removed from any office, or the term for which he was elected or appointed has expired, or he has resigned, or ceased to act in such official capacity, he shall deliver over to his successor all books, papers and effects in any way appertaining to his office. Every person violating this provision shall be guilty of a misdemeanor, and shall be deemed an offender within the meaning of any law of the State punishing such offense; and, in addition thereto, shall, on conviction before the recorder, be fined in a sum not exceeding five hundred dollars, and imprisoned for any time not exceeding six months, or either. Any officer who shall have been entrusted with the collection or custody of funds belonging to said city, who shall be in default to said city, besides being liable to criminal prosecution, and a civil action for debt, shall be thereafter incapable of holding any office under said city, until the amount of his defalcation shall have been fully paid to said city, with twelve per cent. interest.

Sec. 177. The city council shall have power to prescribe the duties of all officers and persons appointed by them, or elected to any office or place whatever, subject to the provisions of this act; to revoke any license given under this act; to remit, in whole or in part, and on such conditions as shall be deemed proper, by a vote of two-thirds of all the members present, any fine or penalty belonging to the city, which may be imposed or incurred under this act, or under any ordinance or resolution passed in pursuance thereof.

Sec. 178. No member of the city council shall hold any other employment or office under the city government while he is a member of said council, unless herein otherwise provided; and no member of the city council, or any officer of the corporation, shall be directly or indi-

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rectly interested in any work, business, or contract, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the city council, nor be the surety of any person having a contract, work or business with said city, for the performance of which security may be required.

Sec. 179. The members of the city council shall be exempt from jury service during their term of office. Each alderman shall be fined seven dollars for every meeting which he fails to attend, unless on account of his own sickness.

Sec. 180. Any member of the city council remaining absent for three consecutive meetings of the board, without first having obtained leave of absence at a regular meeting, shall be deemed to have vacated his office, and the mayor shall proceed to fill the vacancy, in accordance with the charter.

Sec. 181. The city council, when in session, shall have power to punish for contempt of its proceedings; and at each meeting of the council the doors shall be open, and free access had by the citizens of said city to all the deliberations of the city council.

Sec. 182. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and to define and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specially mentioned, and to fix their compensation. They may also require bonds to be given to the said corporation by all officers for the faithful performance of their duties. The city council shall provide for filling vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled only for the unexpired term.

Sec. 183. The city council shall have power to prescribe the duties of all officers and persons appointed by them or elected to any office or place whatever, subject to the provisions of this act; to revoke any license given under this act; to remit, in whole or in part, and on such conditions as shall be deemed proper, by vote of two-thirds of all the members present, any fine or penalty belonging to the city, which may be imposed or incurred under this act, or under any ordinance or resolution passed in pursuance thereof.

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Sec. 148. Where, by the provisions of this act, the city council has power to pass ordinances on any subject, they may prescribe any penalty, not exceeding two hundred dollars, for the violation thereof, and imprisonment not to exceed three months (unless a longer penalty be prescribed therefor by this act); and in the case of the imposition of a fine and non-payment thereof, they may provide that the party convicted be committed to jail or house of correction, or required to work on the alleys, avenues or streets of said city, or on any public work under the control of the city council, for such time as the council may by ordinance provide.

Sec. 185. The city council shall, on or before the first day of January in each and every year, fix the annual salary of the mayor to be elected at the next regular election, and shall at the same time establish the compensation or salary to be paid to the officers elected or appointed by the city council, and the compensation or salary so established shall not be changed during the term for which said officers shall be elected or appointed.

Sec. 186. It shall not be necessary in any action, suit or proceeding, in which the city of Corpus Christi shall be a party, for any bond, undertaking or security to be executed in behalf of the city, but all such actions, suits and proceedings shall be conducted in the same manner as if such bond, undertaking or security, had been given; and for all purposes of such actions, suits or proceedings, the city shall be liable in the same manner, and to the same extent, as if the bond, undertaking or security, required in ordinary cases, had been duly given and executed.

Sec. 187. All laws of the State applicable to the corporation and franchises of towns, so far as they are not in conflict with the provisions of this charter, shall be taken and construed as a part thereof.

Sec. 188. That it shall be the duty of the district judge, whenever complaint is made to him under oath by any party or parties, accusing the mayor, marshal, or any member of the board of aldermen, or any other officer appointed by them, of malfeasance, nonfeasance, misfeasance or neglect of duty in any manner, in office, to immediately examine into the truth of said charges, and if true, he shall remove the party or parties from office at once.

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Sec. 189. All ordinances of the city, when printed and published by authority of the city council, shall be admitted and received in all courts and places without further proof.

Title IX.—Miscellaneous.

Sec. 190. No person shall be deemed to be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Corpus Christi, in any action or proceeding in which said city may be a party of interest.

Sec. 191. That no officer of this city, elected or appointed, shall receive fees, except police officers under the grade of chief of police.

Sec. 192. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the laws heretofore in force, shall be vested in and prosecuted by the corporation hereby created; and no suit pending shall be effected [affected] by the passage of this act, but the same shall be prosecuted or defended, as the case may be, by the corporation hereby created.

Sec. 193. All property, real and personal or mixed, belonging to the city of Corpus Christi, is hereby vested in the corporation created by this act; and the officers of said corporation now in office shall continue in the same until superseded in conformity to the provisions hereof; and this present act shall take effect, as regards election of their successors, or their nomination and appointment.

Sec. 194. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places.

Sec. 195. This act shall not invalidate any legal act done by the city council of Corpus Christi or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act; and all ordinances, resolutions and acts done by the acting mayor and council, and officers appointed to office by the commanders of the Fifth Military District, or by the Governor of the State of Texas, or the council and mayor so appointed, shall be deemed and held by the courts of the State to be as valid and binding on the said city and its inhabitants as though

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the same had been done by officers elected in accordance with the charter of said city heretofore in force.

Sec. 196. All ordinances, regulations or resolutions, now in force in the city of Corpus Christi, and not in conflict with this act, shall remain in full force until altered, amended, modified or repealed by the city council. After this act shall take effect, and an ordinance passed by the mayor and board of aldermen of the city of Corpus Christi on the 15th day of April, A. D. 1858, entitled "An ordinance supplementary, and consolidating all ordinances heretofore passed, relative to the opening of the ship canal between Corpus Christi and Aransas Bay," and an ordinance passed on the 15th day of June, A. D. 1872, relative to the same subject matter, and re-enacting said first recited ordinance, and an ordinance passed on the 12th day of February, A. D. 1873, entitled "An ordinance to re-enact and to validate certain ordinances heretofore adopted in relation to the ship channel," the said ordinances are hereby declared and recognized as valid and binding ordinances and contracts between said city and Morris & Cummings, who have acted under and availed themselves of their provisions; and the bonds issued under said first recited ordinance are hereby declared valid and binding as a lien upon, and to be satisfied out of the tolls and revenues arising from the said ship channel, but not otherwise—any ordinance, act or resolution of any future city council to the contrary notwithstanding; and compliance with said contract and payment of said tolls may be enforced by any person holding said bonds, in any of the courts of the State having jurisdiction of the amount, by any compulsory process known to the law. And all grants, powers, rights, privileges and franchises, and property of every nature and kind whatsoever, heretofore had and possessed, or vested in the city of Corpus Christi, and not expressly repealed or modified by this act and its provisions, shall continue to rest in, and shall remain and inure to, said city under the present act; and the provisions of the act of the Legislature incorporating the city of Corpus Christi, approved February 16th, A. D. 1852, and of the act amendatory thereof, approved February 11th, A. D. 1854, and of the act supplementary and amendatory of the original act of incorporation, approved February 11th, A. D. 1860, so far as not contrary to or in conflict with this act, shall remain in full force.

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Sec. 197. That this act shall take effect and be in force from and after the first day of June, A. D. 1873.

Approved May 22d, 1873.

CHAPTER CXCIV.

An Act to incorporate the Sherman, Wichita and Panhandle Railway, and to grant Land to aid in the construction thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. H. Tuttle, John M. Wiggins, G. Y. Gray, J. S. Porter, J. H. Brown, J. P. Douglas, J. D. Woods, R. G. Hall, Alexander Cox, F. M. Rogers, C. N. White, Wm. Crenshaw, Geo. W. Diamond, A. D. Tinsley, John Vinson, J. M. Hobbs, E. C. Peery, Wm. Hudson, J. H. Boggess, Wm. H. Grigsby, T. C. Bass, A. S. Johnson, L. Kelly, Wm. McClain and W. D. Ligon, be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation hereby created, to be styled the "Sherman, Wichita and Panhandle Railway Company;" that the majority of said commissioners shall constitute a board for the transaction of business, and said commissioners shall hold meetings, from time to time, until directors shall be elected and enter upon the duties of their office, as hereinafter provided.

Sec. 2. That at the time of subscribing to the stock of this company, five per centum of the amount subscribed shall be paid in, unless otherwise provided by the commissioners or directors.

Sec. 3. That the subscribers to the capital stock of this company are hereby created and established a body corporate and politic, under the name and style of the "Sherman, Wichita and Panhandle Railway Company;" with capacity to contract; to sue and be sued; to plead and be impleaded; to have succession and a common seal; to grant and receive; to hold and alienate real estate; to make and enforce by-laws, and to do and perform all things necessary and proper to maintain their rights under this act.

Sec. 4. The capital stock of this company shall be one million of dollar, to be increased by a vote of two-thirds

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of the stockholders representing two-thirds of the stock, to an amount not exceeding five millions of dollars, to be divided into shares of one hundred dollars each, each share to entitle the holder and owner to one vote at all meetings or elections of the stockholders, and a majority of the stock shall govern, except in cases otherwise specially provided for; the shares of the stock shall be deemed personal property, transferrable only on the books of the company.

Sec. 5. The direction and control of said corporation and its affairs shall be vested in a board of not less than seven nor more than nine directors, to be chosen by the stockholders at an annual meeting, the first of which shall be held at the city of Sherman, whenever one hundred thousand dollars shall have been subscribed, and five per cent. thereof paid in to said commissioners.

Sec. 6. A majority of the directors shall constitute a quorum to do business, and at their first meeting they shall elect one of their number president, and one vice-president; the board shall appoint a secretary and treasurer and other officers requisite to carry on the business of the company.

Sec. 7. The said company, when duly organized, shall be, and is hereby, invested with the right of locating, constructing, owning, operating and maintaining a railway, commencing at or near Colbert's Ferry, on Red river, in Grayson county, Texas; thence to the city of Sherman, thence to the town of Whitesboro, thence to the town of Gainesville, in Cooke county; thence in a westerly or northwesterly direction, as near as practicable, to the point where the line of the Atlantic and Pacific Railway crosses the western boundary line of the State of Texas; provided, that freight and passenger depots of said road shall be established within one half mile of the geographical center of the city of Sherman, and towns of Whitesboro and Gainesville; provided, further, that if the line of said road shall run within five miles of any county seat established prior to the location of said road, then said road shall be built to, and depots established, within one-half mile of the center of said town: provided, said town furnish said road right of way and depot grounds.

Sec. 8. Any agreement in writing to subscribe for stock may be enforced according to the terms of subscrip-

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tion, and unless payment be made according to the terms of subscription, the directors, after thirty days' notice, may sell said delinquent stock, and transfer such to the purchaser.

Sec. 9. It shall be lawful for said company to enter upon, purchase or otherwise receive, take, hold or obtain, any lands for the purpose of locating, constructing, and maintaining said railway, with all the necessary depots, turnouts, sidings, extensions, and buildings connected with said railway. When land cannot be obtained by agreement with the owners thereof, said company shall pay such compensation as shall be determined in the manner prescribed by the general railroad laws of this State; provided, that the land taken for this railway shall not exceed two hundred feet in width, unless for depots and buildings.

Sec. 10. That the right of way through the public lands of the State along the line of said road be and the same is hereby granted to said company, and the authority is hereby conferred on said company to take from the public lands adjacent to said road, stone, earth, timber, and other material for the construction thereof; and the right of way is hereby granted to said company to the extent of two hundred feet in width when it passes over public lands, including all lands necessary for stations, workshops, switches, side tracks, turn tables and water tanks at any points along said main line.

Sec. 11. That the said railway company shall have the right to construct their road across all public highways and all railroads that it may be necessary to cross to establish said railway; and if said railway crosses any stream that is navigable by steam, it shall cross in such manner as not to impede navigation.

Sec. 12. That said company shall have the power to borrow money, issue bonds, with or without mortgage; provided, it is done in conformity to a vote of two-thirds of the directors, sanctioned by a majority of the stockholders in interest, at a regular meeting, or at a called meeting, of which thirty days' public notice has been given, and generally this company shall have all the powers requisite to carry into successful effect the objects of this corporation.

Sec. 13. That the first meeting of this company shall be called at the city of Sherman whenever one hundred

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thousand dollars of the capital stock shall have been subscribed, by giving thirty days' public notice in at least two newspapers published in the counties through which this railway is to pass; and the stockholders shall then proceed to elect directors, who shall hold office until the annual election, which shall take place at the company's principal office, in the city of Sherman, on the first Tuesday in December in each year. Should a majority of the stock be represented, the election shall proceed; if not, the directors shall appoint another day within thirty days thereafter, and an election on that day shall be valid. Directors elected under the provisions thereof shall hold their office for one year, or until their successors be chosen and qualified. No person shall be a director who is not the owner of at least ten shares of the stock of this company.

Sec. 14. This charter shall remain in force for the period of sixty years; and the company shall be entitled to receive, and there is hereby granted to said company, sixteen sections of land for each and every mile of railroad completed on said line; and whenever the Governor shall be informed that ten miles of said road shall have been completed, he shall appoint a skillful engineer to inspect the same; and if the report of the inspector shall be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be immediately to issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of road completed, and so on for every additional ten miles when completed, which certificates shall be located, surveyed and patented, according to the provisions of the general railroad law of this State, on the principle of alternate sections, the even sections being reserved to the school fund; provided, that each succeeding section of ten miles shall be inspected in like manner as provided in this section for the first ten miles; provided further, that said company shall not have the right to sell, rent, lease, or consolidate with any parallel or competing railroads in this State, and a violation of this provision shall work a forfeiture of this charter; and that in no case shall the State be in any way liable for deficiency of vacant domain; and the said corporation shall be subject to all laws that are now in force and may hereafter be enacted by the Legislature, regulating railroads and railroad companies.

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Sec. 15. That the gauge of this railway shall be four feet eight and one-half inches; and said railway shall be substantially built and fully equipped for passenger travel and for the transportation of freight.

Sec. 16. That this company shall have the power to charge and collect such rates of freight and such rates of passage as the company may deem just and proper; provided, however, such charges do not exceed the legally established rates on other Texas railways, and shall be and remain subject to the control and regulation of the Legislature, as well as to its charges for freight and passenger fare as to its conduct as a common carrier.

Sec. 17. That the organization of this company shall be perfected in six months from the date of the passage of this act; and said company shall construct their road to Gainesville, in Cooke county, within two years after the organization of the company, and twenty miles each year thereafter, or the grant of lands herein contained shall be forfeited as to that portion not built.

Sec. 18. That the said company is authorized to solicit and receive donations in land, money, bonds or other property, either from individuals, counties or other corporations, and under any laws now in force, or hereafter passed; it is authorizel to apply, if deemed by it necessary, to the counties of the State situated on the route of said company for aid, by gift or loan, in money or bonds, or by subscription to the capital stock of said company.

Sec. 19. That lands herein granted to said company shall be alienated as follows: One-fourth thereof in eight years from the date of the issuance of said certificates; one-fourth in twelve years; one-fourth in sixteen years, and one-fourth in twenty years, so that the whole of the lands herein granted to said company shall pass from its possession in twenty years; provided, that the said company shall not transfer the said lands to any other corporation, or to any person in trust for said company or owning stock in this company; and on failure to comply with the provisions of this section the said company shall forfeit all right to lands secured by this act, not alienated as herein required.

Sec. 20. That the State of Texas hereby reserves the right to regulate by general law the rates of freight and passage on said road, as well as the conduct and manage-

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ment of the conductors, agents and managers of the same, in such manner as may be necessary to secure the rights of passengers, shippers and other patrons of the road, and to prevent discrimination in favor of or against individuals, towns or cities along its line.

Sec. 21. That this company shall have the right to commence the construction of said road at the city of Sherman.

Sec. 22. That this act shall take effect and be in force from and after its passage.

Passed May 22, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-fourth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXCV.

An Act to be entitled An Act to aid in the construction of the Railroad of the Gulf, Western Texas and Pacific Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Gulf, Western Texas and Pacific Railway Company shall be entitled to receive from the State of Texas a grant of sixteen sections of land for every mile of its railroad constructed and put in good running order in this State; provided, that in no case shall the State be in any manner liable for deficiency of vacant domain; and provided further, that said company shall not be entitled to any land from the State for such part of its road as either it, or either of the companies of which it is the successor, has already received sixteen sections of land per mile from the State; nor shall this company, in any manner, receive more than sixteen sections of land per mile from the State.

Sec. 2. That whenever said company shall have completed and put in good running order, as provided in this act, a section of ten miles or more of its road, consecu-

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tively, it may give notice to the Governor of this State, whose duty it shall be to appoint some skillful engineer, if there be no State engineer, to examine said section of road; and if upon the report of said engineer, under oath it shall appear that said section of the road and depots have been constructed in a good and substantial manner, and in accordance with the provisions of the charter of this company, this act, and the general laws of this State in force at the time, regulating railroads, thereupon it shall be the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty (640) acres each, equal in amount to sixteen sections per mile of road so constructed and completed; which said certificates shall be located and surveyed in alternate sections, filed notes and maps returned to the General Land Office, and the odd sections patented to the said company or its assigns.

Sec. 3. That this company shall not be entitled to the benefits of this act, unless it shall complete at the rate of at least ten miles of it railroad, consecutively, every four months from and after the 1st day of July, 1873, and for every ten miles of road so completed, the company shall be entitled to receive the sixteen (16) sections of land per mile, as provided for in the second section of this act; provided, that if said company shall fail to build ten miles every four months, as herein required, but shall nevertheless build thirty miles consecutively, in twelve months, in that case the company shall be entitled to said sixteen sections of land per mile on each thirty miles so built per annum; and build its road by the towns of Gonzales and Seguin to San Antonio, and its other line of road by the town of Lockhart; and establish and continue depots within one-half mile of the existing court houses in said towns; provided, said towns, or the inhabitants thereof, shall furnish, free, to said company sufficient land for depot purposes, switches and tur[n]outs, and the right of way for the road where it passes through said towns; and said company may connect its eastern line of railway with the International railroad, or with any other railroad running, or intended to run, between Austin and San Antonio; and may extend a railway from Seguin, or some point west of Seguin, to New Braunfels, in Comal county; and may make its connection with the Texas and Pacific Railway by either of its lines; provided, there

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shall be no depot west of the Guadalupe river for said line to New Braunfels, except at that place; but said road shall have its depot at Seguin.

Sec. 4. That the said company shall alienate all lands granted by virtue of this act, or any other act of the Legislature of this State, except so far as may be necessary for the running of its road, as follows, to-wit: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and one-fourth in twenty years, from the location and survey of the certificate; provided, that such lands shall in no instance be alienated to any other corporation, directly or indirectly, for its own use, except so far as may be necessary for the proper uses and conduction of the business of such company; and on failure to alienate the lands as here provided, then they shall be proceeded against as provided by law now or hereafter enacted.

Sec. 5. That said company shall be subject to such general laws as now exist, or may hereafter be enacted and enforced, regulating all railroads in this State; and shall never sell, lease or give control of said railway, or the franchises thereof, to any company owning any parallel or competing railway; provided, that this provision is not intended in any way to affect the force or validity of any mortgage or deed of trust executed pursuant to the charter of the company; and said company shall not purchase or lease, or obtain control of any parallel or competing railway, under penalty of forfeiting the rights and privileges herein granted.

Sec. 6. That this act shall take effect from and after its passage.

Passed May 23d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-sixth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXCVI.

An Act to levy a Special Tax in the County of Angelina.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Angelina county be and the same are hereby authorized and empowered to levy, and have collected in pursuance of law, a special tax, not to exceed one-half of one per cent., on all the taxable property of said county, annually, for three years for the purpose of erecting a good and substantial court house and jail in the town of Homer, the county seat of said county.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 23d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on thetwenty-ninth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXCVII.

An Act to amend section eight of an Act entitled "An Act to incorporate the Town of Seguin, in Guadalupe county

Section 1. Be it enacted by the Legislature of the State of Texas, That section eight of an act to incorporate the town of Seguin, in Guadalupe county, approved February 7, 1853, be so amended as to hereafter read as follows: Sec. 8. That the board of aldermen of Seguin, two-thirds of those present concurring, shall have power to levy a tax on all property, real and personal, within the limits of said town, subject to taxation under the laws of the State, not to exceed one-half of one per cent. ad valorem, and a tax on dogs, not exceeding one dollar each, which shall be levied and collected by the constable in the

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manner prescribed in the by-laws of said town; and said board, two-thirds concurring, shall have power to levy and collect a license tax on all shows, places of amusement, race tracks, billiard tables, or other tables for amusement, ten pin alleys, houses for retailing spirituous, vinous or malt liquors, or for the carrying on of any business or calling within said corporation.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed May 23d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-eighth of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CXCVIII.

An Act relating to the Corpus Christi Ship Canal.

Section 1. Be it enacted by the Legislature of the State of Texas, That the ship canal across and through the so-called Mud Flats, between Aransas and Corpus Christi Bays, now being constructed by Augustus T. Morris and James Cummings, of New York, under the firm name of Morris & Cummings, as agents for the city of Corpus Christi, is hereby declared to be and is recognized as being constructed under and by virtue of the power and authority conferred and vested by an act of the Legislature of this State, approved February 13th, A. D. 1854, entitled "An Act supplementary to an act to incorporate the city of Corpus Christi, approved February 16th, 1852;" and the several ordinances of the mayor and board of Aldermen of said city, enacted and passed under authority of said act and in relation to said canal, on the 15th day of April, A. D. 1858, on the 13th day of June, A. D. 1872, and on the 12th day of February, A. D. 1873, the latter of which ordinances declaring said Morris & Cummings to be the only lawful

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agents in the premises; the same are hereby validated and legalized in every respect; provided, that nothing in this act contained shall be construed to give any validity to any bond or bonds which the city council may have at any time heretofore issued, with the professed object of aiding in the construction of said channel, and whereby it is assumed to bind the said city of Corpus Christi or its people.

Sec. 2. That in constructing, keeping open and maintaining said canal, the said city of Corpus Christi, or its said agents, shall have the right to deposit the excavated earth, and all other matter dug out, on either side of said canal, to the distance of three hundred yards (300 yds), and for such distance during the maintenance of the said canal shall have the exclusive right of way over, control and use of, the embankments created by such deposits and subsequent accretions thereto.

Sec. 3. That said canal shall be completed through its whole length, to a depth of at least eight feet in ordinary tides, and to a width of at least one hundred feet at its bottom; and to that depth and breadth shall be kept open and maintained to facilitate direct communication from the city of Corpus Christi to the Gulf of Mexico, and in the interest of commerce and navigation.

Sec. 4. That to aid in the completion and maintenance of the said canal, there is hereby donated and granted to the city of Corpus Christi, or their lawful agents, as aforesaid, sixteen sections of land of six hundred and forty acres each, for each mile of canal made or excavated, as aforesaid; provided, that in no case shall this donation and grant apply or extend to more than seven miles of such canal.

Sec. 5. That upon the completion of said canal within the next twelve months, in a good and substantial manner, and in accordance with the provisions of this act, upon notice of such fact to the county or police court of the county of Nueces, it shall be their duty forthwith to appoint three disinterested and competent navigators, and the district or county surveyor to examine and survey such canal, and to report to the said court the result of such examination and survey.

Sec. 6. That whenever the Governor shall be informed that the said canal is completed according to the provisions of this act, he shall at once appoint some competent per-

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son, if there be no State engineer, to inspect the same; provided, that the State shall not be held responsible for any compensation incurred in making such inspection. And if the report of said inspector, which shall be made under oath, be favorable, the Governor shall notify the Commissioner of the General Land Office, whose duty it shall be immediately to issue to said city of Corpus Christi, or their agents as aforesaid, sixteen land certificates, of six hundred and forty acres each, for each and every mile of said canal completed, and so on for every additional mile of said canal, as provided in this act; which certificates shall be located and surveyed in alternate sections, and field notes and maps of the same shall be returned to the General Land Office, and the odd sections patented to said company and all the alternate or even sections shall be reserved, and held, and set apart, and appropriated to, and shall constitute a part of the common school fund, as provided by the laws of this State now in force, or that may hereafter be enacted; and said city of Corpus Christi, or their agents aforesaid, shall proceed to alienate the lands herein granted, as follows: one-fourth thereof in eight years, one-fourth in ten years, one-fourth in twelve years, and one-fourth in sixteen years, from the date of acquiring said lands; and a failure to alienate the lands as herein provided, then the said city of Corpus Christi shall be proceeded against as provided by law now in force, or that may hereafter be enacted for a violation of this charter.

Sec. 7. That this act take effect and be in force from and after its passsage.

Passed May 23d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-seventh day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CXCIX.

An Act to incorporate and facilitate the building of the Dallas, Palestine and Southeast Texas Railroad.

Section 1. Be it enacted by the Legislature of the State of Texas, That S. J. Adams, W. G. Randall, Wm. H. Gaston, J. L. Leonard, Alex. T. Hensley, and Thos. Field, of Dallas county; John H. Reagan, J. W. Ozment, Michael Ashe, A. T. Rainey and W. W. Shumatle, of Anderson county; Green J. Clark, C. C. Nash and George D. Manion, of Kaufman county; Charles Jones, of Tyler county; Geo. W. O'Brien, of Jefferson county; and S. B. Tackaberry, of Polk county; John Collins, Sr., and Thomas Murchison, of Henderson County, all of the State of Texas; with Wm. S. Pike, Moses Greenwood, Sam'l H. Kennedy, Richard Pritchard, and E. B. Wheelock, of New Orleans, and State of Louisiana, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, under the name of the Dallas, Palestine and Southeast Texas Railroad Company, under which name they shall have succession for sixty years from and after the passage of this act, with the right to sue and be sued, plead and be impleaded, contract and be contracted with; to have and to hold, purchase and convey both real and personal property; to use a common seal; and to perform such acts and things as may become necessary and proper to be done for the best interest of said company; and to establish such by-laws and regulations as the board of directors may deem proper, not inconsistent with the Constitution and laws of this State, or of the United States.

Sec. 2. That the parties above named, or a majority of them, shall act as commissioners to receive subscriptions to the capital stock of said company, and shall select from their number seven to act at [as] the first board of directors, until their successors are duly elected and qualified, in accordance with the by-laws of the company, to be by them, or a majority of them, adopted. The capital stock of the company shall not exceed five millions of dollars, divided into shares of one hundred dollars each, and each share shall be entitled to one vote in all elections for directors, or in all stockholders' meetings,

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either personally or by proxy; said shares shall be deemed personal property, and shall be transferred on the books of its company in such manner as the by-laws may direct.

Sec. 3. That said company shall have the right, and the authority is hereby given them, to construct, equip, maintain, operate and own a line of railroad and telegraph line, beginning at the city of Dallas, in Dallas county, and running thence through the corporate limits of the town of Kaufman, thence to the town of Athens, thence to the town of Palestine, and thence to the Sabine river, to the point where the railroad is now being constructed from the city of Houston to New Orleans may reach said river; provided, that said road shall not pass within five miles of any county seat without going by such town, if such town shall furnish it the right of way through and on each side of the same for distance of five miles, and sufficient ground, in good shape, at or in such town, for all ordinary depot uses; and provided further, that the towns of Kaufman, Palestine and Athens shall also furnish the right of way through their limits, and sufficient ground for ordinary depot uses, within or adjoining their limits, as said towns may elect.

Sec. 4. That said company shall have the right to make all preliminary surveys to enter upon and take possesison of lands to the extent of two hundred feet in width for purposes of road-bed and construction, and such addditional quantity of land for the purposes of depots, sidings, turnouts, machine shops, and other buildings, as may be necessary, by any agreement to and with the owner or owners of private property; and if no agreement can be made, or the owner or owners be absent or unknown, then the property shall be acquired in accordance with the general railroad law of the State.

Sec. 5. The office of said company shall be in the city of Dallas.

Sec. 6. Said company shall have the right to connect with any and all railroads intersected by their said line, and to form a junction or junctions with other railroads at the crossing or terminus of said company's line; but it shall not be lawful for said company to sell, rent or lease to, or consolidate with any competing, converging or parallel railroad, but it may consolidate with any road running northwesterly from the city of Dallas, so as

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to form a continuous line of road from northwest to southeast.

Sec. 7. That the said railroad company shall be entitled to a donation of sixteen sections of land of six hundred and forty acres each, for each mile of said railroad which may be built by it under the authority of this act; the certificates for which shall be issued on the completion of sections of ten miles or more each of said railroad after inspection, and a favorable report, under oath, on the same by an engineer, to be appointed for that purpose by the Governor, if there be no State Engineer; and it shall be the duty of the Governor to appoint an engineer, if there be no State Engineer, for that purpose, at any time, whenever he shall be notified by said railroad company that a section of ten miles or more has been completed and put in running order, according to the provisions of this act. Thereupon it shall become the duty of the Commissioner of the General Land Office to isssue to said company certificates of six hundred and forty acres each, equal in amount to sixteen sections per mile of road so completed, which said certificates shall be located and surveyed in alternate sections, and field notes and maps to be returned to the General Land Office; and the odd sections patented to said company, and all the alternate or even sections, shall be reserved and set apart, and appropriated to, and constitute a part of the common school fund, as provided by law; and the lands granted to said company, by virtue of the provisions of this act, shall be alienated by said company, except so far as may be necessary to the maintenance and running of its road as follows, to-wit: one-fourth in eight years; one-fourth in ten years; one-fourth in twelve years, and one-fourth in sixteen years from the time of acquiring said lands; provided, that said lands shall not be alienated, directly nor indirectly, to any other corporation for its uses, except so far as may be necessary for its proper uses and conducting its business; nor to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder of said railroad company is a member; and a failure to comply with, or a violation of the provisions of this section, shall work a forfeiture of all the benefits of this act; and on failure to alienate said lands as herein directed, they shall be proceeded against as the laws in force may direct; and pro-

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vided further, that the State of Texas shall not be held liable for a deficiency in the lands hereinbefore mentioned.

Sec. 8. That said company may commence the building of their road and telegraph line at any one or more points along the line of the same. They shall commence the building of said road by the first day of July, A. D. 1875, and shall complete the whole line within five years thereafter, or forfeit their charter to so much of the route as may then remain unfinished.

Sec. 9. That the State reserves the right to regulate the rates of freight and passage on said road by any general law of the State applicable to railroads, and also to place the officers and employes of the same under the provisions of any general law which is now in force, or may hereinafter enacted, to prevent wrong towards passengers or other patrons of the road; and said company shall be subject to any law now in force, or hereafter enacted, in relation to railroads in this State.

Sec. 10. That this act shall take effect and be in force from and after its passage.

Passed May 23rd, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-seventh day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CC.

An Act to provide for a Special Election in the City of Dallas.

Section 1. Be it enacted by the Legislature of the State of Texas, That on Monday, June the ninth (9), 1873, there shall be held an election in each of the wards of the city of Dallas for the election of such number of aldermen as there may be vacancies in said wards respectively.

Sec. 2. That the mayor of said city be and is hereby authorized to appoint a special registrar for each of said wards, who, in accordance with the law of the State

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regulating the registration of voters, shall, on the sixth and seventh days of June, 1873, proceed to register the persons entitled under the charter of said city to register and vote. The mayor, in case no presiding officers have been already appointed by the city council, shall appoint a presiding officer for each ward and furnish him with the list of registered voters above provided for each ward respectively. The election shall in all other respects be conducted according to the charter of the city, and the wards as now established. The returns shall be made to the mayor on or before the eleventh day of June, 1873, who, in the presence of any two citizens of the city, shall open the same and declare the result, issuing to the successful candidates certificates of election, who shall hold their offices until the next regular city election, in April, 1874.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved May 23rd, 1873.

CHAPTER CCI.

An Act to be entitled An Act to amend "An Act to incorporate the Dallas and Wichita Railroad Company," and to aid in the construction of said Road.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act to incorporate the Dallas and Wichita Railroad Company be and is hereby amended as follows. The first section shall read: Sec. 1. Be it enacted by the Legislature of the State of Texas, That J. W. Calder, W. J. Clark, I. B. Calder, Henry S. Ervay, C. Wegefarth, J. W. Swindells, D. Connally, J. W. Haynes, T. C. Jordan and Thos. Field, and their successors, be and they are hereby created and constituted a body corporate and politic, for sixty years from the dates of this act, under the name and style of the "Dallas and Wichita Railroad Company;" with the capacity in said corporate name to make contracts; to have succession and a common seal; to make by-laws; to sue and be sued; to plead and be impleaded; to grant and receive; to hold and convey property, both real and personal; to receive donations or gifts of land, money or bonds; and

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generally to do and perform all such acts and things proper and necessary to be done to carry into effect the ends and objects of this corporation, and the maintenance of the rights accruing under and connected with it, not inconsistent with the laws of this State; provided, nothing in this section shall impair any liability or obligation incurred by the present owners of said charter to the original incorporators in said charter.

Sec. 2. That section second of said act shall hereafter read as follows: "That said corporation is hereby invested with the right to locate, construct, own and maintain a railway and a line of telegraph, commencing at the city of Dallas and State of Texas, and running thence northwestwardly to the town of Denton, in Denton county, and shall erect freight and passenger depots within one-half mile of the court house; provided, said town shall secure and donate to said company, free of charge the right of way through the corporate limits, and all necessary grounds for tracks, switches, and other depot purposes, not to exceed ten acres; thence continuing northwestwardly to any point on the waters of Red or Canadian rivers, within the territory of the State of Texas, that may be determined on by said company; which said line and terminal point, however, shall be surveyed, and a map thereof deposited in the General Land Office, on or before the first day of July, 1876, the map of the first hundred miles being so deposited in one year from the date of this act, and the privileges of this charter shall attach and pertain to only so much of said route as may be thus marked, mapped out, and thus returned to the Land Office, in the time aforesaid; provided, however, that unless the city or county of Dallas, or the citizens thereof, shall obtain for and present to said railroad company the right of way for said road, two hundred feet wide, for a distance of five miles from its depot grounds in said city, as now located, upon the north side of the Trinity river, and also the right of way, sixty feet wide, through the city of Dallas, from said depot grounds to such point of junction with the Texas and Pacific railroad, in said city, as may be agreed upon by said railroad companies, within three months from and after the date of the delivery to the mayor of the said city of Dallas, of a plot or map, showing the streets or lots of land through which said right of way is

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desired, then, upon such failure, said company shall have the right to connect their road, by running westwardly from said city of Dallas, with any other railroad chartered by the State of Texas, running in said direction to some point on the west side of Trinity, thence to run northwestwardly, as aforesaid; provided, that where the direct line of said road passes within five miles of the county seat of any county, through which it may be built, said road shall run to said county seat, and said company shall establish and keep a depot within one-half mile of the business part of said town; provided, said town shall furnish to said company, free of charge, the right of way through said town, and sufficient ground for switches, turnouts, etc., and such buildings as may be necessary and proper for said road, not to exceed fifteen acres in each case; and provided further, that said company shall not be compelled to run said road within one-half mile of any county seat where, from natural obstacles, it is impracticable to do so, but in such case, said road shall run and a depot be established as near said town as such natural obstacles will admit; and should said road be located through any county before the definite location of the county seat thereof, then it shall not be necessary for said road to run within one-half mile of said town.

Sec. 3. That section four of said act shall hereafter read as follows: That the immediate government and direction of the affairs of said company shall be vested in a board of not less than five nor more than fifteen directors, who shall elect one of their number president of said company. The present organization of said company is hereby declared legal and valid. No person shall be eligible to the office of director unless he be the owner of ten shares of the stock of said company. The directors shall be elected annually by the stockholders of said company, each being entitled to one vote for every share he or she may own; the first election to take place within ninety days after the passage of this act, in the said city of Dallas; and if a vacancy should occur in said directors by death, resignation, or otherwise, the vacancy or vacancies may be filled by the residue of said directors for the unexpired term; and should the stockholders fail to hold an election at any regular period, those in office shall continue officers until a meeting can be had, not to exceed thirty days from such failure. It shall be the duty of

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the president and directors to appoint a secretary and treasurer, to prescribe their duties, and require of them bonds for the faithful discharge of the same. They shall keep, or cause to be kept, a record of all their proceedings, and an account of the receipts and expenditures of said company, which books shall be open at all reasonable hours for the inspection of any person interested in said company. A majority of the board of directors shall have the authority of a full board, and all conveyances and contracts in writing, executed by the president and countersigned by the secretary, under the seal of the corporation, and in pursuance of a vote of said directors, or a majority of them, shall be valid and binding; said company shall keep their general office at the city of Dallas, in the State of Texas; the treasurer's office, and an office for the transfer of stock, may be located in any one of the principal cities of the United States; and the president of said company shall report annually the condition of the affairs of said company to the directors, who shall publish said report in two or more newspapers published in the city of Dallas, in the State aforesaid.

Sec. 4. That section fourteen of said act shall hereafter read as follows: That said company shall have one hundred and twenty-five miles of said railroad completed and in good running order within five years from its commencement, on the twenty-eighth day of November, 1872; provided, said company shall be and is hereby granted sixteen sections of land of six hundred and forty acres each, for each mile constructed in accordance with the provisions of this act. That whenever and as often as said company shall complete and put in running order a section of ten or more miles of its road, as hereinbefore designated, said company shall give notice thereof to the Governor of the State, and it shall be his duty to appoint some skillful engineer, if there be no State engineer, to examine said completed road and make report thereon, under oath, to the Commissioner of the General Land Office; and it shall be the duty of said commissioner, if said road is shown to have been constructed in accordance with its charter, and as required by law, to issue to said company sixteen certificates, for six hundred and forty acres of land, for each and every mile of road so completed. That all land certificates that shall issue to

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said company under the provisions of this act shall be located and surveyed in alternate sections; that is to say, said company shall cause to be surveyed two sections, of six hundred and forty acres each, for each certificate, adjoining, and shall return to the General Land Office the field notes and maps of the same, and the Commissioner of the General Land Office shall thereupon number said sections so surveyed, and shall cause to be issued to said company, or its assignees, patents to the odd sections, the even sections being reserved to the State for the school fund; provided, the State of Texas in no event shall be responsible for a deficiency in the public land upon which to locate such certificates, and such certificates not located because the public land is exhausted shall constitute no claims against the State.

Sec. 5. That said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operating said road, as follows, viz: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the issuance of the certificates, in such manner that the whole of such land shall pass out of the hands of said company within twenty years after the date of the certificates; provided, that said lands shall not be alienated to any other railroad corporation, except so far as may be necessary for the proper use and conducting of the business of such corporation; and on failure to comply with the provisions of this section, the said company shall forfeit all right to lands secured by this act, not alienated as herein required. And that said company shall in all things be subject to the general laws of this State now or hereafter to be in force regulating railroads or railroad companies.

Sec. 6. That said company shall have no right, power, or authority to lease, sell, rent, or consolidate said road, or any part of it, to or with any converging, parallel, or competing company or road; and a violation of this provision shall work a forfeiture of this charter, to be judicially ascertained, as other suits at law, in the courts of this State.

Sec. 7. The State of Texas hereby grants to said company the right of way, two hundred feet in width, over all lands belonging to the State, and the use of such an amount of said lands as may be actually necessary for

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sidings, turnouts, depots, station houses, machine shops, wells, reservoirs, water tanks, and all necessary buildings; and also the right to take from all such lands such rock, earth, and other materials as may be needed for the construction and operation of said railroad.

Sec. 8. Said company shall have the power, and is hereby authorized, to borrow money, and to purchase all necessary property, upon its own credit, for the purpose of constructing its railroad, and may issue bonds and obligations therefor, payable at such times and places, and at such rate of interest, as they may elect, and, to secure payment of said bonds or obligations, may mortgage its railroad, capital stock, corporate franchises, and any or all of its property, real and personal, or any portion thereof, in such manner and form as said company, through its directors, shall determine, subject to all rights of the State herein reserved.

Sec. 9. That at least twenty miles of said road from the city of Dallas shall be completed and put in running order by the first day of July, A. D. 1875, or this charter shall be forfeited to all the unfinished part of said road and route. Said company shall have the right to construct and maintain bridges, wherever its line may cross streams, for and during the period of its construction.

Sec. 10. That the State of Texas hereby reserves, in express terms, the right, according to the laws now in force, or to be hereafter enacted, to regulate by general law the rates of freight and passage on said road, as well as the conduct and management of the conductors, agents and managers of the same, in such manner as may be necessary to secure the rights of passengers, shippers, and other patrons of the road, and to prevent discrimination in favor of or against individuals, towns, or cities along its line.

Sec. 11. That this act shall take effect and be in force from and after its passage.

Passed May 24th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCII.

An Act to authorize the County Court of Colorado County to issue interest-bearing Bonds for the purpose of funding the present outstanding indebtedness of said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Colorado county is authorized to issue, from time to time, interest-bearing coupon bonds (interest not to exceed ten per cent. per annum, and payable annually on the first day of January), for such sums, and in such amounts, and payable at such times, as said court may deem proper, not to exceed ten years, and not to exceed in the whole amount fifteen ($15,000) thousand dollars; provided, the bonds hereby authorized shall be issued and used only for the purpose of funding the present outstanding indebtedness of said county, of every character whatever, whether now due or not. And when such bonds are issued, said court shall, at the time of the ordering such issue, also provide for the payment of the interest on said bonds annually, and the two (2) per cent. sinking fund, as directed by the Constitution, to meet the principal of the debt.

Sec. 2. That the said bonds, shall be signed by the presiding justice, and attested by the clerk of the court, with the seal attached; and the clerk will keep a full registry of the bonds in his office, of the amount, date of each bond and coupons attached, and to whom delivered, and when thus delivered.

Sec. 3. The coupons of these bonds shall be receivable in payment of the county taxes levied for general purposes as they may respectively of all [fall] due.

Sec. 4. That the holders and owners of any of the indebtedness herein mentioned shall present the same to the clerk of the district court of said county, and have the same registered within the next ten months from the passage of this act, so that the amount thereof may be ascertained.

Sec. 5. That this act take effect from and after its passage.

Passed May 24th, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCIII.

An Act entitled An Act to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That Santos Benavides, N. G. Collins, Chas. Callahan, Martin S. Culver, James Cummings, Perry Doddridge, Allan M. Davis, Hipolits Garcia, Prokop Hoffman, Richard King, Uriah Lott, Augustus T. Morris, E. J. Nickerson, Wm. L. Rogers, Richard Shubert and Thomas R, Worsham, and their associates, be and they are hereby appointed commissions [commissioners] to open books and receive subscriptions to the capital stock of a corporation hereby created, and to be styled the "Corpus Christi and Rio Grande Railway Company."

Sec. 2. The capital stock of this company shall be one million of dollars, which may be increased, as may be required to carry out the object of this company, to an amount not exceeding three million of dollars, divided into shares of one hundred dollars each, each of which shares shall entitle its holder and owner to one vote in all meetings or in elections by stockholders, and which shares shall be deemed personal property, transferable only on the books of the company, in such manner, and under such restrictions and regulations, as shall be provided by the company through its by-laws; but said stock shall not be increased in excess of one mililon of dollars, unless by two-thirds of the stockholders representing two-thirds of said stock, while the vote as to all other matters expressed by a majority of the stockholders representing a majority of the stock in this company shall govern and be binding on all of the stockholders.

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Sec. 3. That the commissioners herein named shall solicit subscriptions to said capital stock of one million, of which five per centum shall be paid to them by each subscriber on the amount of his subscription, whenever the entire amount of stock has been subscribed. Upon the completion of such subscription and payment of the five per centum thereon, within six months from and after the passage of this act, said commissioners shall at once proceed to the organization of this company by calling a meeting of the subscribers through advertisements in one or more newpapers published on or in the neighborhood of the line of the proposed railway, for full thirty days, and holding such meeting in the city of Corpus Christi, Texas.

Sec. 4. That to accomplish such organization, and until the same shall be effected, the commissioners aforesaid, or any five of them, shall constitute a board for all transactions of necessary business connected therewith, and, from time to time, shall meet together for consultation, and to report progress; but if after the expiration of twelve months from the passage of this act they shall have failed in said organization, this act shall cease to be of any further force and effect, and the charter herein granted be deemed and taken as forfeited and void.

Sec. 5. The organization of this company shall be deemed effected by the election of a board of directors of not less than seven or more than nine, chosen by and from the stock subscribers at the first meeting called for such purpose by the commissioners, at the place and within the time hereinbefore indicated; and said directors shall hold office until the regular election, which shall take place annually in the city of Corpus Christi, Texas at the company's principal office, which is hereby made the legal domicile of the company, on the first Tuesday in December in each year; and in the board of directors so elected the direction and control of this corporation, and all its affairs, shall be vested; provided, at any such election a majority of the stock be represented; but if otherwise, the same shall be postponed for thirty days, when on such day the election by the stockholders present shall be valid; and provided further, that no person shall be eligible as a director who is not the owner of at least ten shares of the stock of the company, and that when duly elected each director shall hold his office for one year or until their successors be chosen and qualify.

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Sec. 6. A majority of the directors shall constitute a quorum to transact business, and at their first meeting shall elect one of their number to be president and one vice-president, and shall appoint a secretary and treasurer, and as required from time to time such other officers and employes as may be found necessary to carry on the business of the company.

Sec. 7. That the subscribers to the capital stock of this company are created and established a body corporate and politic, under the name and style of the "Corpus Christi and Rio Grande Railway Company," with capacity to contract, to sue and be sued, to plead and be impleaded; to have succession and a common seal; to grant and receive, to hold and alien real estate; to make and enforce by-laws for its general government, and for the management of its business; and generally to do and perform all such acts and things as may be necessary and proper for or incidental to the fulfillment of its obligations, or the carrying out successfully the objects of this incorporation, or the maintenance of its rights and franchises under this act, not being inconsistent with the Constitution and laws of this State or of the United States.

Sec. 8. That said company are authorized to solicit and receive donations in land, money, bonds, or other property, either from individuals, counties or other corporation; and under any laws now in force or hereafter passed, they are fully authorized, if by them deemed necessary, to apply to the counties, and all cities and towns of this State, situated on or near their railway, for aid by gift or loan in money or bonds, or by subscription to the capital stock of the company.

Sec. 9. That said company shall be and is hereby invested with the right of locating, constructing, owning, equipping, operating and maintaining a railway, with a single or double track, commencing at a point outside of but at least within the distance of half a mile from the corporate limits of the city of Corpus Christi; and thence running to the Rio Grande river by the shortest and most practicable route to a point between Eagle Pass and Rio Grande City, or at or near either of said place[s], as may be determined upon by the holders of two-thirds of the stock, after preliminary surveys and reports by competent engineers and surveyors; the said railway to be substantially built and fully equipped for passengers travel,

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and for the transportation of freight, and to be operated by steam, subject to all laws which now are or hereafter may be in force regulating railroads and railroad companies; and provided, that if the projected line of the road shall come within five miles of any established county site, and establish and maintain a depot within one-half mile of the business part thereof, then, and in such case, if the divergence by way of such site from and to the road shall not exceed ten miles, upon the petition of the municipal and county authorities, and the donation and gift by them to the company of the necessary right of way, and of sufficient land and town lots for depot purposes and for switches, the proposed railway shall be made to run through such county site; and said company is further authorized to construct, own, operate and maintain, in connection with their said road, a telegraph line along the line thereof.

Sec. 10. That said company shall have power to borrow money, to issue bonds or other bills of credit, with or without mortgage, upon its railway, its capital stock, its corporate franchises, and any and all its real or personal property, or any part or portion thereof; and to purchase property upon its own credit, for the purpose of constructing and maintaining its railway; provided, any such act is done by a vote of two-thirds of the directors, and subsequently such vote be approved and ratified by a majority of the stockholders present at a regular meeting, of which full thirty days notice has been given, by advertisement in a newspaper published in the city of Corpus Christi.

Sec. 11. Any agreement in writing to subscribers for stock may be enforced according to the terms of subscription; and unless payment be made accordingly, the directors or commissioners, after thirty days notice, may sell the stock of the delinquent subscriber, and transfer the shares so sold to the purchaser.

Sec. 12. That to the extent of two hundred feet in width along the line of this railway, the right of way is hereby granted to said company over all public lands, for the track or tracks of such railway; and for necessary sidings, extensions, turnouts, depots, station houses, machine shops, wells, water tanks and buildings incidental to the uses and purposes of such railway in its construction and operation, there is hereby granted the use of

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such amount of said lands as may be actually required; also, the right to take from all public domain such timber, rock, earth and other material as may be needed for the construction and operation of such railway; also, the right to cross all public highways, to bridge all water courses, to construct, operate and maintain ferries along said line where necessary, and to cross the track of any other railway that is necessary to intersect in establishing this railway.

Sec. 13. That when land connot be obtained by agreement with the owner or owners thereof, the company shall institute proceedings therefor, and shall acquire and pay for such lands in accordance with the provisions of the laws in such case made and in force and governing such matters.

Sec. 14. That this company is authorized and empowered to charge and collect such rates of freight and of fare for passengers as the company may deem just and reasonable, but not exceeding, however, the charges now legally made and established on other railways in Texas; and provided, that the same shall always be subject to such conditions and reductions as may hereafter be prescribed by any act of the Legislature defining the powers, duties and obligations of railroad companies in their capacity of common carriers; and the right is expressly reserved to the State to regulate the charges for freight and passage on said road, and also its duties and responsibilities as a common carrier.

Sec. 15. That this charter shall remain in force for the period of sixty years from the date of completion of the railway herein designated. The State of Texas, in aid of the construction of said railway, hereby donates sixteen sections of land, of six hundred and forty acres each, out of any of the unappropriated public domain of the State; provided, that said company shall survey the alternate or even sections of land for public schools, and return said surveys to the General Land Office of the State; and provided, further, that said railway company shall be subject to all general laws that are now in force or may hereafter be enacted in relation to donations of land, to objects of internal improvements, and all laws enacted by the Legislature heretofore, or that may be hereafter enacted, regulating railroad and railroad companies; and provided further, that the gauge of said

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road shall be four feet eight and a half inches; and provided further, that said railway shall be completed in accordance with its charter, and shall not receive any lands until it shall have completed a section of at least two consecutive miles, or more, of its road, and shall have given notice of the same to the Governor of this State, whose duty it shall be to appoint some skillful engineer, if there be no State engineer, to examine said section of road; and if upon the report of said engineer, under oath, that said section of the road has been constructed in accordance with its charter, this act, and the general laws governing railroads, thereupon it shall become the duty of the Commisisoner of the General Land Office to issue to said company certificates, of six hundred and forty acres each, equal in amount to sixteen sections per mile of road so completed, which said certificates shall be located and surveyed in alternate sections, and field notes and maps to be returned to the General Land Office, and the odd sections patented to the said company, and all the alternate or even sections shall be reserved and held to be set apart and appropriated to, and constitute a part of, the common school fund, as provided by law; and the lands granted to said company by virtue of the provisions of this act, shall be alienated by said company, except so far as may be necessary to the maintenance and running of its road, as follows, viz: one fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and one fourth in twenty years, from the time of the issuance of such land certificates; provided, said lands shall not be alienated, directly or indirectly, to any other corporation, except so far as may be necessary for the proper uses and convenience of the business of such corporation; or to any person, firm or company, in trust for said railroad company; or to any firm or company of which any officer or stockholder thereof is a member; and on failure to alienate said lands as herein directed, or a violation of the provisions of this section, they shall be proceeded against as the laws in force may direct; provided, also, that the company shall not have the right to sell, rent, lease, or consolidate with any parallel or competing railroad or railroads in this State; and provided further, that in no case shall the State be in any way liable for deficiency in vacant public domain to absorb the land certificates that may issue under the provisions of this act.

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Sec. 16. That the road, throughout its entire length, shall be surveyed, designated, marked and located, within the next twelve months from and after the passage of this act; and thirty miles shall be completed within two years, and thirty miles each year thereafter, or this charter shall be forfeited as to that portion not built.

Sec. 17. That this act shall take effect and be in force from and after its passage.

Passed May 24th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-eighth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCIV.

An Act to be entitled An Act for the relief of the Heirs of Migginson Loving, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to issue to the heirs of Migginson Loving, deceased, a patent for one-third ($\frac{1}{3}$) of a league of land, in accordance with a survey made in Titus county, on the fourth day of May, eighteen hundred and forty-nine, as shown by the records of said county, by virtue of the unlocated balance of the headright certificate No. 172, issued to George M. Jones, by the board of land commissioners of Robertson county, on the eighth day of June, A. D. eighteen hundred and thirty-eight.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 24th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-eighth day of May, A. D. 1873, and was not signed by him, or re-

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turned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCV.

An Act amendatory of and supplemental to an Act entitled "An Act to incorporate the Texas Timber and Prairie Railroad Company," approved August 15th, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That section twenty-three (23) of the act entitled "An Act to incorporate the Texas Timber and Prairie Railroad Company," approved August 15th, 1870, be so amended that the same shall hereafter read as follows: Sec. 23. That said Texas Timber and Prairie Railroad Company shall be subject to all the laws of this State, now or hereafter to be in force, regulating railroads and railroad companies, and the State of Texas hereby reserves the right to regulate the charges for the transportation of persons and property upon said railroad, and to regulate the conduct of said company as a common carrier.

Sec. 2. Be it further enacted, That section twenty-four of the above recited act shall be so amended as hereafter to read as follows: Sec. 24. That said "Texas Timber and Prairie Railroad Company" shall complete and put in good substantial running order twenty-five miles of said road by the first day of January, A. D. 1875, and thereafter to complete and put in good substantial running order twenty-five miles of said road per annum.

Sec. 3. That the State of Tevas donates and grants to said company, as hereinafter provided, sixteen sections of land, of six hundred and forty acres each, for each and every mile of railroad completed by said company upon said line. Whenever and as often as said company shall complete and put in good substantial running order a section of ten miles or more of said railroad, it may inform the Governor of the fact; and it shall be his duty to appoint some skillful engineer to examine said railroad, who shall report to the Commissioner of the General

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Land Office, under oath; and if it shall appear from such report that such section or sections of road has been completed and put in good substantial running order, in accordance with its charter and the laws of this State, then said commissioner shall issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of said railroad so completed.

Sec. 4. That the land certificates issued to said company under the provisions of this act shall be located upon the unappropriated public domain of the State of Texas, in alternate sections; that is to say, said company shall cause to be surveyed two sections of land, of six hundred and forty acres each, adjoining, and shall return to the General Land Office the field notes and maps of such surveys; and thereupon the Commissioner of the General Land Office shall number said sections, and shall cause to be issued to said company, or its assignees, patents to the odd sections, the even sections being reserved to the State for the school fund; provided, the State of Texas shall in no case be responsible for any deficiency in the public domain; and the certificates issued to said company, and not located because the public land is exhausted, shall constitute no claim against the State.

Sec. 5. That the lands acquired by said company, under the provisions of this act, shall be alienated by said company, except so far as is necessary for the use and conducting the business of such company, as follows: one-fourth in eight years; one-fourth in twelve years; one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the issuance of the certificates; provided, that said company shall not alienate said land to any corporation, except so far as may be necessary for the use and conducting the business of such other corporation; nor to any company, firm or person in trust for said company, or to any firm or company of which any of the officers or stockholders of said railroad company are members; and on failure to comply with, or any violation of the provisions of this section by said company, shall work a forfeiture of all lands not alienated as required by this act.

Sec. 6. That said railroad shall not cross the Trinity river below what is known as Spanish Bluff, in the county of Houston; and from the point at which said road may cross the Trinity river at or above Spanish Bluff, said

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road shall run westwardly, so as not to run south of Leon Prairie, in the county of Leon, and shall not cross the Navasota river at a point below or south of the San Antonio crossing, on said stream; said San Antonio crossing being at the southwestern corner of the county of Leon.

Sec. 7. That said railroad company shall not lease, rent or sell its road to, or lease, rent or purchase any competing, converging or parallel railway line, nor shall said company consolidate with any such railroad company; and a violation of the provisions of this section shall work a forfeiture of the charter of said company, and such transaction shall be null and void.

Sec. 8. That this act shall take effect and be in force from and after its passage.

Passed May 24th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-ninth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCVI.

An Act supplementary to and amendatory of an Act entitled "An Act to re-incorporate the City of Corpus Christi."

Section 1. Be it enacted by the Legislature of the State of Texas, That section two of the above entitled act shall hereafter read as follows: Sec. 2. That the limits and bounds of the city of Corpus Christi, within which said corporation shall have corporate authority and jurisdiction, and over which its municipal regulations shall extend and be in full force, and to which they shall apply, the same be and are hereby fixed and declared as follows, to-wit: Commencing at a point one mile due north from the present court house of Nueces county;

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thence west one and a half miles; thence south three miles; thence east three miles; thence north three miles; thence west to the place of beginning.

Sec. 2. That section nine of the said recited act shall hereafter read as follows: Sec. 9. That every person not disqualified by law, who shall have attained the age of twenty-one years, and is entitled to vote for members of the Legislature of this State, and is duly registered, and shall have resided within the limits of the said city for sixty (60) days next preceding the election, shall be entitled to vote for mayor and aldermen of the said city; provided, nevertheless, that no person belonging to the regular army or navy of the United States shall be so entitled.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved May 24th, 1873.

CHAPTER CCVII.

An Act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the said Waco and Northwestern Railroad Company is hereby merged in the Houston and Texas Central Railway Company; and the said Waco and Northwestern Railroad is hereby made, to all intents and for every purpose in law, a part of the Houston and Texas Railway. And the Houston and Texas Central Railway Company is hereby authorized and empowered to operate, manage and control the said Waco and Northwestern Railroad in the same manner as every other part of the said Houston and Texas Central Railway; and shall have the right to continue the construction of the said railroad from the city of Waco in a northwesterly direction, in accordance with the terms of the charter of the said Waco and Northwestern Railroad Company; and the said Houston and Texas Central Rail-

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way Company shall possess and enjoy all the properties, rights, franchises and privileges belonging and heretofore granted to the said Waco and Northwestern Railroad Company.

Sec. 2. This act of consolidation is passed, and shall become operative, on condition that said consolidated road shall not, in either of its branches, be sold, leased or rented to, or consolidated with, any other parallel, competing or converging railroad; and that said company shall not purchase, own or control, any such parallel, competing or converging road; and upon the still further condition, that the portion of said Northwestern railroad not yet built, if built at all by said company, shall be constructed and put in operation within the time required by the charter of said road; and should the general line of the portion of said road not yet built pass within five miles of any established county seat, then said road shall run to said county seat, and said company shall establish and keep a depot for freight and passengers within one-half mile of the business portion of said town, on condition that the right of way through said town, and sufficient ground, not less than fifteen acres, for switches, turnouts, and such buildings as may be necessary and proper, shall be furnished to said company free of charge; provided, that said company shall not be compelled to construct said road within one-half mile of any county seat where, from natural obstacles, it is impracticable to do so; but in such case said road shall run, and a depot be established, as near said town as such natural obstacles will admit; and should the line of said road be definitely located through any county before the permanent location of the county seat thereof, then it shall not be necessary for said road to be so varied from its line as to run within one-half mile of said town.

Sec. 3. This act shall take effect and become operative upon the acceptance by said company of the conditions herein stated.

Approved May 24th, 1873.

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CHAPTER CCVIII.

An Act to incorporate the Fort Worth and Denver City Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following named persons, to-wit, J. M. Eddy, C. L. Frost, M. H. Gable, D. C. Adams, Daniel Stewart, John A. McCoy, Howard Schuyler, W. W. H. Lawrence, W. R. Shannon, W. A. Huffman, J. E. Ellis, J. P. Smith, E. M. Daggett, James Crutcher, Giles S. Boggess, John B. Bowman, M. B. Lloyd, W. C. Hite and J. H. Jones, be and they are hereby incorporated a body politic and corporate, under the name and style of the "Fort Worth and Denver City Railway Company;" under which name they shall have succession for the term of sixty years from and after the passage of this act, with the right to sue and be sued, plead and be impleaded, contract and be contracted with; to have and to hold, purchase and convey, both real and personal property; to use a common seal, and to ordain and establish a code of by-laws, rules and regulations for the government of said company and its officers, agents and employes, and to do and perform such other acts and things as may become necessary and proper to be done for the best interest of said company, and not in violation of the Constitution and laws of this State.

Sec. 2. That the capital stock of the said Fort Worth and Denver City Railway Company shall be ten million dollars, divided into shares of one hundred dollars each.

Sec. 3. That each share of capital stock shall be entitled to one vote in all elections ordered or directed by said company, whether for the election of officers, or any other purpose.

Sec. 4. That the persons named in the first section of this act, or their duly authorized agents or attorneys, shall, within ninety days after the passage of this act, meet at Fort Worth, Texas, and at said meeting shall open books for subscription to the capital stock of said company, and when two hundred and fifty thousand dollars have been bona fide subscribed, and five per cent. actually paid thereon, the stockholders paying the same, or their properly authorized agents, may proceed to the

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election of a board of directors, to consist of not less than nine persons, which said board of directors shall elect from their number a president, vice president, secretary and treasurer, and such other officers as the by-laws of the company may require. When the organization has been completed as herein required, it shall be the duty of the president and secretary of said company to send a certified copy of the proceedings of the meeting of the persons incorporated by this act, and the meeting of the stockholders of said company, to the secretary of State of the State of Texas, to be filed in the archives of said office; and when the provisions of this act have been complied with, notice thereof shall be given by publication in the official journal, published in the city of Austin, in the State of Texas, and in some newspaper published in the city of Denver, in the Territory of Colorado. The persons named in the first section of this act shall give thirty days' notice, by publication in such papers as they may select, as to the time and place of their first meeting.

Sec. 5. Stock books may continue to be opened for subscription to the capital stock of said company, under such terms and conditions as the board of directors may determine; provided, always, that five per cent. on the amount subscribed shall be actually paid at the time of subscription.

Sec. 6. The said Fort Worth and Denver City Railway Company is hereby authorized and fully empowered to survey, locate, build, equip, own, control, manage, operate, and maintain a railway and telegraph line from some suitable point at or near Fort Worth, Tarrant county, Texas, forming a junction at said point with the Texas and Pacific Railway; thence in a northwesterly direction, on the most practicable route through the State of Texas, in the direction of Denver City, Colorado, having in view the route best calculated to develop the mineral region of Northwestern Texas.

Sec. 7. That the gauge of said railway shall be the same as that adopted by the Texas and Pacific Railway of Texas, or the gauge adopted by the narrow gauge railroad now being constructed south from the city of Denver, in the Territory of Colorado.

Sec. 8. That the right of way, to be to the extent of two hundred feet in width, is hereby granted to said railway company, through the public lands of Texas, and

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also the right to take and use, in the construction of said road, any timber or other material used in the construction of railways, found and lying upon any of the public lands of this State.

Sec. 9. That the rights, powers and authority to condemn private property, for the use and benefit of said road, shall be the same as heretofore granted to the Texas and Pacific Railway Company by the Legislature of Texas.

Sec. 10. That for the purpose of aiding in the construction of said Fort Worth and Denver City Railway, there be and hereby is granted to the said Fort Worth and Denver City Railway Company sixteen sections of land, of six hundred and forty acres each, for each and every mile of said railway that may be completed and put in successful operation; provided, that should a less gauge than four feet eight and one-half inches be adopted, then only twelve sections per mile shall be granted by the State to said company.

Sec. 11. Whenever the said Fort Worth and Denver City Railway Company shall have completed the first section of twenty-five miles of their road, and the same has been inspected, as required by law, by a skillful engineer to be appointed by the Governor, should there be no State engineer, who shall report on oath whether said section has been completed in a good, substantial manner as a first class railroad, and if the report of the inspector is favorable, the Governor of the State of Texas shall immediately notify the Commissioner of the General Land Office to issue to said company the land certificates, of six hundred and forty acres each, for the quantity of lands said company may be entitled to receive under this act, for the said twenty-five miles of road thus completed; said company to designate and cause said land to be surveyed in the manner now prescribed by general law, in alternate sections; that is to say, said company shall cause to be surveyed two sections of land for each certificate to which it may be entitled; and upon the return of field notes and maps of surveys made by virtue of said land certificates, in accordance with law, the Commissioner of the General Land Office, who shall proceed to number the sections so surveyed, and shall issue patents thereon, conveying the odd sections to the company; provided, that in no case shall the State be in any way

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liable for deficiency of vacant domain. And the lands hereby granted shall be alienated by said company as follows, to-wit: one-fourth in eight years, one-fourth in twelve years, one fourth in sixteen years, and the remaining fourth in twenty years from the date of the certificates, respectively, so that the whole of said lands shall pass out of the hands of said company in twenty years from the date of said certificates; and the lands hereby granted shall not be sold to any other corporation, except so far as may be necessary for the proper use and conducting the business of such corporation; nor shall said lands be sold to any person, firm or company, in trust for said railroad company, or to any firm or company of which any officer or stockholder of said Fort Worth and Denver City Railway Company is a member.

Sec. 12. The first section of twenty-five miles of said road shall be completed within three years from the passage of this act, and an additional section of thirty miles every two years thereafter, until completed through the State.

Sec. 13. The said Fort Worth and Denver City Railway Company is hereby authorized and empowered to issue its first mortgage bonds to the extent of sixteen thousand dollars per mile of road within the State of Texas; and may, in such manner as the board of directors shall deem best for the interest of the company in the prosecution of said railroad, hypothecate the bonds, stock, lands, or other property of the company, for the purpose of raising money in aid of the building of said road, to an extent not greater than ten thousand dollars per mile in addition to the first mortgage bonds aforesaid.

Sec. 14. Said Fort Worth and Denver City Railway Company shall not lease, rent or sell its road, or sell its franchises to, or purchase, or be merged in, or consolidated with any other parallel, connecting, or competing line of railroad in this State; and a violation of the provisions of this section shall forfeit all the charter rights and privileges of said company. Whenever the direct line of said road passes within five miles of the county seat of any county through which it may be constructed, said road shall run to said town, and said company shall construct and maintain a depot for freight and passsengers within one-half mile of the business portion of said town; provided, the citizens or corporate authorities of such town

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will donate to said company the right of way through said town, and sufficient ground for switches, turnouts, depot, and other necessary buildings, not to exceed fifteen acres; provided, also, that it shall not be necessary for said company to run said road to any such county seat when, from natural obstacles, it is impracticable to do so; but in such case said road shall pass, and said company shall establish and maintain a depot as near such town as such natural obstacles will admit; and provided further, that when the line of said road has been surveyed and definitely located, before the permanent location of the county seat of any county through which it may pass, then it shall not be necessary for said line to be so varied as to pass within one-half mile of such town.

Sec. 15. That within six months after the organization of the company incorporated by this act, it shall be the duty of said company to file with the Commissioner of the General Land Office of this State plats and maps showing the line upon which it is intended to construct said railroad.

Sec. 16. That this act take effect and be in force from and after its passage.

Passed May 26th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCIX.

An Act to incorporate the Paris, Greenville and Cleburne Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jefferson Peak, Travis G. Wright, Samuel J. Adams, T. C. Jordan, E. M. Heath, W. S. Bledsoe, W. J. Clark, S. B. Maxey, B. D. Martin, J. T. Sizer, C. W. S. Weldon, G. M. Serink, J. J. Good, C. L. Jones,

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Wm. Caruth, Phillip Sanger, W. H. Gaston, A. D. Robey, H. B. Simonds, A. S. Johnson, Travis Henderson, and their associates, be and are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation hereby created, to be styled the Paris, Greenville and Cleburne Railway Company.

Sec. 2. That a majority of the commissioners shall constitute a board for the transaction of business, and shall hold meetings from time to time until directors shall be elected, as provided hereinafter.

Sec. 3. That at the time of subscribing to the stock of this company, five per centum of the amount subscribed shall be paid in, unless otherwise provided by the commissioners or directors.

Sec. 4. That the subscribers to the capital stock of this company are hereby created and established a body corporate and politic, under the name and style of the Paris, Greenville and Cleburne Railway Company; with capacity to contract; to sue and be sued; to plead and be impleaded; to have succession and a common seal; to grant and receive, to hold and alien real estate; to make and enforce by-laws, and to do and perform all things necessary and proper to maintain their rights under this act.

Sec. 5. The capital stock of this company shall be two millions of dollars, to be increased by a vote of two-thirds of the stockholders, representing two-thirds of the stock, to such an amount, not to exceed five millions of dollars, as may be requisite to carry out the object of this company, divided into shares of one hundred dollars each, each share to entitle its holder and owner to one vote in all meetings or election of the stockholders, and a majority of the stock shall govern, except in cases otherwise specially provided for. The said shares of stock shall be deemed personal property, transferable only on the books of the company.

Sec. 6. The direction and control of said corporation and its affairs shall be vested in a board of not less than seven (7) nor more than nine (9) directors, to be chosen by the stockholders at an annual meeting, the first of which shall be held in the city of Dallas whenever one hundred thousand dollars shall have been subscribed and five per cent. thereof paid in to the aforesaid commissioners.

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Sec. 7. A majority of the directors shall constitute a quorum to do business; and at their first meeting shall elect one of their number president, and one vice-president, whose terms of office shall be one year from the time of their election, or until their successors are elected and qualified. The board shall appoint a secretary and treasurer, and other officers requisite to carry on the business of the company.

Sec. 8. The said company, when duly organized, shall be and is hereby invested with the right of locating, constructing, owning, operating, and maintaining a railway and telegraph line from the town of Cleburne, in Johnson county, by the most direct practicable route, through the corporate limits of the towns of Dallas, Greenville and Paris, to any point on Red River, where a connection may be formed with a road on the north side of said river, whether in the Choctaw Nation or in the southwest corner of Arkansas. Said company shall also have the right to extend their road from Cleburne, in a southwesterly direction, to any point on the Rio Grande between Laredo and the mouth of the Pecos river, the route of which, and the terminal point on the Rio Grande, shall be surveyed, mapped, and a plat thereof filed in the General Land Office, within two years from the completion of the road between Paris and Cleburne.

Sec. 9. Any agreement in writing to subscribe for stock may be enforced according to the terms of subscription, and unless payment be made according to the terms of subscription, the directors, after thirty days notice, may sell said delinquent stock, and transfer the shares of such delinquent to the purchaser.

Sec. 10. It shall be lawful for said company to enter upon, purchase, or otherwise receive, take, hold, or obtain any lands for the purpose of locating, constructing, and maintaining said railway, with all the necessary depots, turnouts, sidings, extensions, and buildings connected with said railway. When land cannot be obtained by agreement with the owner or owners thereof, they shall pay such compensation as shall be determined in the manner prescribed by the general railroad law; provided, that the land taken for this railway shall not exceed two hundred feet in width, unless for the depots and buildings, and during the construction of said railway.

Sec. 11. That said railway company shall have the

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right to cross all public highways, and all railroad[s] that it may be necessary to cross, to establish said railway; and if said railway crosses any stream that is navigable, when crossed, by steam, it shall cross in such a manner as not unnecessarily to impede navigation.

Sec. 12. That said company shall have power to borrow money, and issue bonds, with or without mortgage; provided, it is done in conformity to a vote of two-thirds of the directors, sanctioned by a majority of the stockholders, at a regular called meeting, of which thirty days public notice has been given; and generally, this company shall have all power requisite to carry into successful effect the objects of this company.

Sec. 13. That the first meeting of this company shall be called in the city of Dallas whenever one hundred thousand dollars of the capital stock shall have been subscribed, by giving thirty days notice in at least two newspapers published in the counties through which this railway is to pass; and the stockholders shall then proceed to elect directors, who shall hold office until the annual election, which shall take place at the company's principal office, wherever established in this State, on the first Tuesday in December in each year. Should a majority of the stock be represented, the election shall proceed; if not, the directors shall appoint another day within thirty days thereafter, and an election on that day shall be valid. All directors elected under the provisions hereof shall hold their office for one year, or until their successors be chosen and are qualified. No person shall be a director who is not the owner of at least ten shares of the stock of this company.

Sec. 14. That this charter shall remain in force for the period of sixty years from the passage of this act, and the company shall be entitled to receive sixteen sections of land for each and every mile of railroad completed, exclusive of that set apart by the Legislature for the benefit of the school fund; and whenever the Governor shall be informed that ten miles of said road shall have been completed, he shall at once appoint some competent person to inspect the same; and if the report of the inspection shall be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be to immediately issue to said company sixteen land certificates, of six hundred and

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forty acres each, for each and every mile of road completed, and so on for every additional ten miles, when completed; which said certificates the said company shall cause to be surveyed in alternate sections—that is to say, for each certificate, said company shall cause to be surveyed two sections of land, of six hundred and forty acres each, adjoining, and shall return the field notes and maps thereof to the General Land Office, and it shall be the duty of the Commissioner of said Land Office to number said sections, and issue to the said company, or its assignees, patents to the odd sections thereof, the even sections being reserved to the State, for the school fund; provided, the State of Texas shall in no event be responsible for a deficiency of public land; and the said certificates issued to said company under the provisions of this act, not located because the public lands are exhausted, shall constitute no claim against the State of Texas; provided, said company shall not be denied the privilege of contracting with other road or roads for the running of its trains over and along the track of said road or roads for such distance as they may agree; provided, the same be not more than five miles; and provided further, that in no case shall the State be in any way liable for deficiency of vacant domain.

Sec. 15. That this railway shall be constructed of four feet eight and one-half inches (4 ft. 8½ in.) gauge; that said railway shall be substantially built, and fully equipped for passenger travel, and for transportation of freight, and be operated by steam.

Sec. 16. That said company shall have the power to charge and collect such rates of passage, for the transportation of persons and property, as it shall deem right and proper, not to exceed the rates prescribed by the laws of this State, and it shall be lawful for the Legislature at any time to prescribe other or new rates of charges for the transportation of persons and property upon such road, and to regulate the conduct of such company as common carriers.

Sec. 17. That the organization of this company shall be perfected within one year from the date of the passage of this act, and ten miles shall be completed within two years, and twenty miles each year thereafter, or this charter shall be forfeited as to that portion not built.

Sec. 18. That the work on said road may be com-

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menced and prosecuted from any one or more points on its line where most convenient to receive its material and rolling stock, and may be prosecuted in opposite directions from such point or points at the same time.

Sec. 19. That said company shall neither sell, lease, or rent to, or consolidate with any competing, converging or parallel road or company, and a violation of this provision shall work a forfeiture of its charter.

Sec. 20. That the lands to be acquired by said company under this charter shall be alienated in good faith, one-fourth in six years, one-fourth in ten years, one-fourth in twelve years, and one-fourth in sixteen years, from the date of the certificates. They shall not be alienated to any other corporation, except so far as may be necessary for right of way, depots, and other legitimate and necessary uses; nor shall they be alienated directly or indirectly, in trust to any person, firm or company, for the use or benefit of the company hereby created, or for the use or benefit of this, or any other corporation, nor to any other corporation or firm, of which any officer or stockholder of this company is a member. And a violation of the provisions of this section shall work a forfeiture of this charter.

Sec. 21. That this act shall take effect and be in force from and after its passage.

Passed May 27th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCX.

An Act to amend sections three, five and six, of an Act entitled "An Act to incorporate the Carthage Branch Railway Company," approved May 22d, 1871, and to grant Lands to said Company to aid in the construction of its Road.

Section 1. Be it enacted by the Legislature of the State of Texas, That section three of the above recited act shall be so amended as hereafter to read as follows: Sec. 3. The said company is hereby invested with the right of locating, constructing, owning, operating and maintaining a continuous line of railway, with a single or double track, as well as a telegraph line, from Wascom's Station, in Harrison county, or from the city of Marshall, in Harrison county, as said company may elect; thence by the nearest practicable route to the town of Carthage, in Panola county; thence in a southwesterly direction to connect with any line of road that may be located or constructed through the county of Nacogdoches, in the main direction of north and south; provided, that freight and passenger depots shall be established within one-half mile of the court house in the city of Marshall, or within one-half mile of the business center of Wascom's Station, as said company may elect, and within one-half mile of the court house in the town of Carthage, upon condition that said towns respectively shall donate to said company the right of way along the line of its survey through said towns, and necessary depot grounds. That the company shall be invested with the right of constructing such sidings, turnouts, depots, station houses, machine shops, wells, water tanks, and other buildings and works, as are incident to the operation and construction of said road.

Sec. 2. That section five of said act shall be so amended as hereafter to read as follows: Sec. 5. The capital stock of said company shall not be greater than three millions of dollars, to be divided into shares of one hundred dollars each, each share to entitle the holder to one vote in each and every meeting of the stockholders of said company, and at each election by the same; and a majority of the stock shall govern, except in matters otherwise provided. The said shares of stock shall be

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deemed personal property, and shall be transferable on the books of the company.

Sec. 3. That section six of said act to incorporate the Carthage Branch Railway Company shall be so amended as hereafter to read as follows: Sec. 6. This company shall complete at least twenty miles of its road by the first day of May, A. D. 1875, and twenty miles each year thereafter, or forfeit the right to the unfinished part of its route, and may commence work at such point as the said company may deem most practicable.

Sec. 4. That for the purpose of aiding in and securing the construction of the Carthage Branch Railway, there shall be and there is hereby granted, out of the unreserved vacant and unappropriated lands of the State of Texas, sixteen sections of land, of six hundred and forty acres each, for each mile of railroad which the said Carthage Branch Railway Company shall construct and put in good running order; provided, that the State shall in no case be liable for any deficiency of public domain.

Sec. 5. That whenever and as often as said Carthage Branch Railway Company shall complete and put in running order a section of ten miles or more of its road, as hereinbefore designated, said company shall give notice thereof to the Governor of the State, and it shall be his duty to appoint some skillful engineer, if there be no State engineer, to examine said completed road and make report thereon, under oath, to him; it shall then be his duty, if the same is shown to have been constructed in accordance with this charter and as required by law, to report the fact to the Commissioner of the General Land Office; thereupon it shall be the duty of the Commissioner of the General Land Office to issue to said company sixteen certificates, of six hundred and forty acres of land, for each and every mile of road so completed. That all land certificates that shall issue to said company under the provisions of this act shall be located and surveyed in alternate sections; that is to say, said company shall cause to be surveyed two sections, of six hundred and forty acres each, for each certificate, adjoining, and shall return to the General Land Office the field notes and maps of the same, and the Commissioner of the General Land Office shall thereupon number said sections so surveyed, and shall cause to be issued to said company, or its assignees, patents to the odd sections, the even sections being re-

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served to the state for the school fund; provided, that when fractions of land of a less size than twelve hundred and eighty acres, by reason of previous surveys, are found, the same may be located by virtue of said railroad certificates; and it shall be the duty of the Commissioner of the General Land Office to divide and designate the same equally, and to patent one-half thereof to the company or its assignees, and the residue of said certificates may in like manner be located elsewhere until the same is exhausted, the State being entitled to one-half of each survey, and the company to the other half.

Sec. 6. That said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operating said road, as follows, viz.: one-fourth thereof in eight years; one-fourth in twelve years; one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the issuance of the certificates, in such manner that the whole of said lands shall pass out of the hands of said company within twenty years after the date of the certificates; provided, that said lands shall not be alienated to any other corporation, except so far as may be necessary for the proper use and the conducting of the business of such corporation; nor to any person, firm, or association of persons in trust for themselves, or to any firm or company of which any officer or stockholder of said company is a member; and on failure to comply with the provisions of this section, and the general laws of the State on this subject, the said company shall forfeit all rights to lands secured by this act, not alienated as required by law.

Sec. 7. That said company shall not sell, lease, nor rent its road-bed, or sell its franchise to any other parallel, converging or competing line of railroad in this State, or purchase or be merged in, or consolidated with any such parallel, converging or competing line of road; and a violation of the provisions of this section shall terminate its corporate existence and powers; and any such sale, lease, purchase, merger or consolidation shall be null and void; but the prohibitions herein contained shall not be so construed as to prevent any such corporation from leasing, renting or purchasing, or becoming the joint owner of such portion of any other road as may form a link in, or continuation of its line of road, so far

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as such link or continuation may constitute one common and continuous line of road.

Sec. 8. That this act take effect and be in force from and after its passage, and all law[s] in conflict herewith are hereby repealed.

Passed May 27, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-eighth of May, A. D. 1873, and was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.

CHAPTER CCXI.

An Act to incorporate the Clinton Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That B. M. Odom, R. B. Wofford, John T. Wofford, R. B. Hudson, S. C. Lackey and R. Kleburg, and such other parties as they may associate with them, are hereby constituted a body corporate and politic, under the name and style of the "Clinton Bridge Company;" and as such may sue and be sued; may have a corporate seal; and may hold and own such property, both real and personal, as may be necessary to carry out the objects of this charter.

Sec. 2. That it shall be the duty of said corporation to build a good, safe and suitable bridge, of wood or iron, across the Guadalupe river, at or near the town of Clinton, in De Witt county, said bridge to be completed within two years from and after the passage of this act.

Sec. 3. That it shall be the duty of said company to open and construct a roadway, with necessary culverts, in the approaches to said bridge from the highlands, as shall render transit safe and easy, and to keep the same in good repair.

Sec. 4. That when said bridge shall be completed,

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said company may demand and receive tolls, which shall not exceed the following rates, to wit: For a loaded road wagon or cart and two or three yoke of oxen, fifty cents; for each additional yoke, ten cents; for an unloaded wagon or cart, one-half of the above rates; for a loaded wagon or cart and eight to ten horses or mules, eighty cents; for a loaded wagon or cart and four to six horses or mules, sixty cents; for a loaded wagon or cart and two to three horses or mules, forty cents; if unloaded, one-half of the above rates; for a coach or ambulance, with four horses or mules, seventy-five cents; for a coach or ambulance, with two horses or mules, fifty cents; for a carriage or other light vehicle, with two horses or mules, forty cents; for a carriage or other light vehicle, with one horse or mule, twenty-five cents; for a cart or dray, with one horse or mule, twenty-five cents; for a single horse or mule and rider, ten cents; for horses, mules or cattle, per head, five cents; for sheep, goats and hogs, per head, two cents; for a footman, five cents.

Sec. 5. That no other person or corporation shall be authorized or allowed to construct any bridge across the Guadalupe river, during the term of this charter, within two miles, in a straight line up and down said river, from said bridge herein authorized to be made; provided, that the bill shall not affect the Cuero Bridge Company.

Sec. 6. That this act of incorporation take effect and remain in force for twenty-five years from and after its passage.

Passed May 27, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCXII.

An Act supplementary and amendatory to an Act passed April 19th, 1873, entiteld "An Act to reorganize the Town of Sherman, in Grayson County, Texas, and incorporate said Town as the City of Sherman."

Section 1. Be it enacted by the Legislature of the State of Texas, That the powers of the corporation of the city of Sherman shall be vested in the mayor and aldermen, and a majority of the aldermen shall constitute a quorum competent to do business.

Sec. 2. That the common council, by ordinances, shall have power to levy taxes on all property within the limits of the corporation subject to taxation under the laws of the state; but said taxation is not to exced one-half of one per cent ad valorem, and to levy occupation taxes on all occupations which are taxed by the state.

Sec. 3. That the common council shall have power to appoint an assessor, and pass ordinances prescribing his duties.

Sec. 4. That the common council shall have power to pass ordinances for the punishment of every species of gambling now prohibited by the laws of the State of Texas.

Sec. 5. That the common council shall have power to elect out of their number one recorder, who shall perform the duties of the mayor in all cases where the mayor is absent, disqualified, or for any other reasons that may make it the duty of said recorder so to act.

Sec. 6. That the common council shall have power, by ordinances, to tax the fees of the city attorney against defendants, in the manner provided by general statutes for district attorneys.

Sec. 7. That the council shall have power to pass ordinances requiring the marshal, and other police officers, to arrest offenders without warrant, in cases where they are credibly informed that an offense has been committed, as well as in all cases where offenses are committed in their presence.

Sec. 8. That this to take effect and be in force from and after its passage.

Passed May 28th, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXIII.

An Act to authorize the County Court of Navarro County to levy and cause to be collected a special Tax, and to apply the same.

Section 1. Be it enacted by the legislature of the State of Texas, That the County Court of Navarro county be and is hereby authorized and required to levy and cause to be collected a special tax, not to exced one-half of one per cent., upon the value of the property subject to taxation by the laws of the state, situated in said county, for the year 1873, which said special tax shall be levied and collected agreeably to the laws for the collection of State taxes, and shall, when collected, be paid into the treasury of said county.

Sec. 2. It shall be the duty of the county court of said county to apply the funds arising from the special tax provided for in the first section of this act, to the erection, finishing and furnishing a secure and substantial jail in and for the use of said county, and to the liquidation of a debt now due on the court house of said county, and for necessary repairs to the same.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed May 28th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.

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CHAPTER CCXIV.

An Act to incorporate the Gulf, Colorado and Santa Fe Railway Company, and to grant Land in aid of the construction of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. P. Palmer, Albert Somerville, P. J. Willis, J. C. Higgins, W. H. Ledbetter, J. L. Darrah, Leon Blum, A. C. McKeem, W. K. Little, E. Sterling C. Robertson, Frank W. Latham, Thomas Allen, B. O'Connor, W. E. Scott, E. Pelot, J. S. Catlin, M. A. Bryan, Wm. Wagner, B. H. Bassett, J. W. Carroll, and J. L. D. Morrison, George Lawrence, Wm. R. Smith, N. B. Yard, and C. E. Broussard, M. Kopperl and John S. Sellers and their associates, be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation hereby created, to be styled the Gulf, Colorado and Santa Fe Railway company.

Sec. 2. That a majority of the commissioners shall constitute a board for the transaction of business, and shall hold meetings from time to time until directors shall be elected as provided hereinafter.

Sec. 3. That at the time of subscribing to the capital stock of this company not less than five per centum of the amount shall be paid in.

Sec. 4. That the subscribers to the capital stock of this company are hereby created and established a body corporate and politic, under the name and style of the Gulf, Colorado and Santa Fe Railway Company; with capacity to contract; to sue and be sued; to plead and be impleaded; to have succession, a common seal; to grant and receive; to make and enforce by-laws, and perform all things necessary to maintain their rights under this act.

Sec. 5. The capital stock of this company shall be two milions of dollars, to be increased by a vote of two-thirds of the stockholders, representing two-thirds of the stock, to such an amount, not exceeding seven millions of dollars as may be requisite to carry out the objects of this company, divided into shares of one hundred dollars, each share to entitle its holder and owner to one vote in all meetings or elections of the stockholders, and a ma-

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jority of the stock shall govern, except in cases otherwise specially provided, the said shares of stock shall be deemed personal property, transferable only on the books of the company.

Sec. 6. The direction and control of said corporation and its affairs shall be vested in a board of not less than seven nor more than thirteen directors, to be chosen by the stockholders at an annual meeting, the first of which shall be held in the city of Galveston whenever two hundred thousand dollars have been subscribed and five per cent. thereof paid in. The principal office shall be in the city of Galveston, with the right to establish branch offices for the transfer of stock, and for assistant treasurer to pay interest on bonds and other purposes, in any city out this state.

Sec. 7. A majority of the directors shall constitute a quorum to do business, and at their first meeting they shall elect a president and one vice-president. The board shall appoint a secretary and treasurer, and all other officers requisite to carry on the business of the company.

Sec. 8. That said company, when duly organized, shall be and is hereby invested with the right of locating, constructing, owning, operating and maintaining a railway telegraph line, commencing at the city of Galveston, running westward, crossing the Brazos river a [at] Columbia, thence following the divide between the San Bernard river and the Brazos river, keeping an air line as near as practicable to the town of Caldwell, in Burleson county; thence to the town of Cameron, in Milam county; thence to the town of Belton, in Bell county; and in event that the citizens of each of said towns shall donate to said company the necessary right of way for road, switches and turnouts, to and through said towns, and sufficient grounds for depot purposes, the depot shall be located within half a mile of the court house in each of said towns; thence up the Leon Valley through Coryell, Hamilton and Comanche counties to Eastland county, forming a junction with the Texas Pacific Railway; from thence through the border counties to Young Territory; from thence in a northwesterly direction over the most practicable route to the Canadian river, at some point on said river between the eastern boundary of the Panhandle and one hundred and second degree of west longitude; thence up the valley of said river to the State

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line; from thence to Santa Fe, making connection with the Denver and Rio Grande Railway; together with such turnouts, branches, sidings and extensions as the company may deem it their interest to construct, with authority to construct, own, equip, and maintain a branch road from Mill Creek to the towns of La Grange and Bastrop; provided, that when the direct route of said railway shall run within five miles of any county seat, then said road shall run to said county seat, and establish and maintain a freight and passenger depot at such town; provided, said town shall donate to said road the right of way for a single track, with all the necessary switches, turnouts, side-tracks, etc., together with sufficient grounds for depot purposes, not to exceed ten acres.

Sec. 9. Any agreement in writing to subscribe for stock may be enforced according to the terms of subscription, and unless payment be made, the directors, after thirty days due notice, may sell said delinquent stock and transfer the shares of such delinquent to the purchasers.

Sec. 10. It shall be lawful for said company to enter upon, purchase, or otherwise receive, take, hold, or obtain, in the manner provided by the laws of this state, any lands necessary for the purpose of locating, constructing and maintaining said railway, with all needed depots, turnouts, sidings, extensions and buildings connected with said railway. When lands cannot be obtained by agreement, the land taken for this railway shall not exceed two hundred feet in width, unless for depots and buildings. Whenever said railway shall be constructed over any part of the public domain of this State, the right of way not exceeding two hundred feet along such portion of said line, and all necessary grounds for depots, buildings, turn-tables, turnouts and side-tracks is hereby granted to said company; and also the right to take from said public domain and use all rock, timber, earth, or other material thereon, necessary in the construction and maintenance of such portion of said railway.

Sec. 11. That said railway company shall have the right to cross all public highways, and all railroads that it may be necessary to cross, to establish such railway.

Sec. 12. That said company shall have power to borrow money, issue bonds, with or without mortgage

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provided, it is done in conformity to a vote of two-thirds of the directors, sanctioned by a majority of the stockholders at a regular meeting, of which thirty days public notice has been given; and generally this company shall have all power requisite to carry into successful effect the objects of this company.

Sec. 13. That the first meeting of the company shall be called in the city of Galveston whenever two hundred thousand dollars to the capital shall have been subscribed, by giving sixty days public notice in two or more newspapers published in the counties through which the railway is to pass, and the stockholders shall then proceed to elect directors, who may be residents or non-residents of the State of Texas, who shall hold office until the annual election, which shall take place at the company's principal office, in the city of Galveston, on the first Tuesday of October in each year. Should a majority of the stock be represented, the election shall proceed; if not, the directors shall appoint another day within thirty days thereafter, by giving like due notice, and an election on that day shall be valid. Directors elected under the provisions hereof shall hold their office for the term of one year, or until their successors be chosen and qualified. No person shall be a director who is not the subscriber of ten or more shares of the capital stock of the company.

Sec. 14. That this charter shall remain in force for the period of sixty years from the date of this act; and the State of Texas hereby grants and donates to the said Gulf, Colorado and Santa Fe Railway Company sixteen sections of land for each and every mile of said road completed; and whenever the Governor shall be informed that ten miles of said railroad shall have been completed, he shall at once appoint some competent person to inspect the same; and if the report of the inspector, made under oath, be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be immediately to issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of road completed, and so on for every additional ten miles of road completed; which said certificates shall be located, surveyed and patented according to the provisions of the general railroad law, on the principle of alternate sections; provided, that each succeeding section of ten miles after the first shall be in-

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spected in like manner as provided in this section for the first ten miles; provided further, that in no case shall the State be in any way liable for deficiency of vacant domain; and provided further, that this company shall not have the right to sell, rent, lease to or consolidate with any parallel or competing railroad in this state; and provided further, that said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operating said road, as follows, viz: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and the remaining fourth in twenty years from the competent person to inspect the same; and if the report of the inspector, made under oath, be favorable, the Governor shall date of the issuance of the certificates in such manner that the whole of such lands shall pass out of the hands of said company within twenty years from the date of the certificate; provided, that said lands shall not be alienated to any other railroad, or other corporation, except so far as may be necessary for the proper use and conducting of the business of such corporation; nor shall said lands be conveyed to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder of said railroad company is a member; and on failure to comply with, or a violation of the provisions of this section, and the general laws of the State on this subject, the said company shall forfeit all right to lands secured by this act, not alienated as required by law.

Sec. 15. That said railway shall be constructed of such width of gauge as the directors may establish, not less than four feet eight and a half inches. That said railway shall be substantially built and fully equipped for passenger travel, and for the transportation of freight, and be operated by steam in like manner as other first class roads.

Sec. 16. That this company shall have the power to charge and collect such rates of freight and such rates of passage as may be just and proper; provided, however, such charges do not exceed those that may be established by law; and the right is expressly reserved to the legislature to fix the rate of charges for freight and passage on said railroad by any general laws.

Sec. 17. That the organization of this company shall be perfected within six months from the date of the passage of this act, and thirty miles of their said railroad shall be completed within two years thereafter, and fifty

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miles each year thereafter, or this charter shall be forfeited as to that portion not built.

Sec. 18. The commissioners appointed in the first section of this act may acquire, by gift or purchase, any real estate or other property, notes and bonds, either from individuals, corporations, towns, counties or cities, and may appoint an agent to receive subscriptions of stock and conveyances until after the election of a board of directors, after which such powers may be exercised by said board of directors.

Sec. 19. That this act shal take effect and be in force from and after its passage.

Passed May 28th, 1873.

[Note.—The foregoing act was presented to the Governor for his approval on the thirtieth of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXV.

An Act to incorporate the Defiance Hook and Ladder Company No. 1 of the City of Jefferson.

Section 1. Be it enacted by the legislature of the State of Texas, That James Hoban, Charles G. Graham, W. P. Levy, A. J. Redman, Julius Ney, F. H. Goodfellow, P. M. Graham, W. E. Estes, P. Eldridge, Joseph Bruckmiller, J. P. Russell, W. Q. Bateman, J. A. Noreworthy, V. H. Claiborne, and others, of the county of Marion and State of Texas, and their associates and successors, are hereby constituted a body politic and corporate, under the name and style of the Defiance Hook and Ladder Company No. 1; and by that name shall have succession, and may sue and be sued, plead and be impleaded; have and use a corporate seal; buy, sell and hold property, real, personal and mixed, not to exceed in value twenty thousand dollars; may contract and be contracted with, and make all rules and by-laws that may be

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necessary for the government of the company, and have and exercise all the powers and rights generally incident to such companies.

Sec. 2. That said company shall have the right, in its constitution or by-laws, to impose fines upon its members for neglect of duty, not to exceed in any one instance the sum of five dollars, which may be collected in the name of said company by suit before any justice of the peace in and for the county of Marion.

Sec. 3. That the members of said company shall never be less than twenty-five nor more than sixty in number.

Sec. 4. That the members of the company, as long as they are in good standing, shall and they are hereby exempt from militia duty and serving as jurymen.

Sec. 5. That it shall be the duty of the secretary to report all members who absent themselves from three consecutive regular meetings to the sheriff of the county as no longer members of the company, and subject to jury duty.

Sec. 6. That neither the company nor its members shall be liable in damages, or otherwise, for property destroyed or injured by the company while in the discharge of their duties as firemen; provided, it is done by the order of the chief engineer of the fire department or his assistants.

Sec. 7. That this act take effect from and after its passage.

Passed May 28th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.

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CHAPTER CCXVI.

An Act to authorize the County Court of Colorado County to levy a Special Tax for the erection of a County Jail.

Section 1. Be it enacted by the legislature of the State of Texas, That the County Court of Colorado county be and and it is authorized and directed to levy a special tax for the years 1873 and 1874, in addition to the county tax now authorized by law, upon all the taxable property of said county, not to exced in any one year one-tenth of one per centum on each one hundred dollars of taxable property in said county; and said taxes when levied, shall be collected, and paid over, and accounted for, as other county taxes, and shall be set apart by the county treasurer and applied only to the construction and completion of the county jail for said county, in the city of Columbus.

Sec. 2. That the taxes provided for in this act shall be levied for the year 1873 at the first or second regular term of the county court after the passage of this act, and for the year 1874 at the first regular term of that year; and in the event of a failure thus to make either of said levies, the same shall be considered as made by this act at one-tenth of one per cent. on each one hundred dollars of taxable property in the county aforesaid.

Sec. 3. That none of the taxes collected under this act shall be paid out, except upon the order of said county court, and draft signed by the presiding justice and attested by the clerk, with his seal of his office, stating within it the purpose for which it is given, and the fund drawn upon; nor shall any such order be made, or draft issued, until the amount or debt for which it may be made or issued shall be due and payable, unless bond and good security be given to the county, conditioned to perform the contract to construct or complete the jail, or to refund the amount thus [received] in advance on such a contract, and fifty per cent. thereon in addition; and not more than one-fourth of the contracted amount shall be thus advanced at any one time.

Sec. 4. That this act shall take effect from and after its passage.

Passed May 28th, 1873.

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[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXVII.

An Act to be entitled An Act to incorporate the San Marcos, Guadalupe and Galveston Canal Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jas. E. McCord, C. L. McGehee, R. M. Caldwell, S. R. McKie, George T. McGehee, S. R. Kone, James Petty, C. R. Smythe, E. Nance, S. Dixon, W. W. Haupt, citizens of Hays county; W. D. S. Cook, James F. Millett, citizens of Gonzales county; Thos. Mooney, J. Nix, J. L. Humphries, Jonathan Ellison, W. H. Jennings and H. North, citizens of Caldwell county; Samuel W. Fisher, Galen Hodges, D. E. E. Braman, W. A. Price, of Matagorda county; John M. Camp, A. H. Castelle, M. S. Munson, Joseph Bates, and their associates, be and they are hereby apointed commissioners to open books and receive subscriptions to the capital stock of a corporation to be styled "The San Marcos, Guadalupe and Galveston Canal Company." A majority of said commissioners shall constitute a quorum to do business, and shall meet in the town of San Marcos on the first Monday in September, 1873, or as soon thereafter as a majority thereof may agree upon; and they may appoint one or more of their own body to open books at such place or places as they may direct, to receive subscriptions for the stock of said company; and the said commissioners shall hold meetings from time to time, as their business may require, for receiving subscriptions of said stock. They shall require five per centum thereof to be paid, at the time of subscribing, to one of their own number appointed by them; and any subscription to said stock upon which said five per centum is not paid shall be void, and the party receiving

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the same on the part of the company shall be responsible to it for said five per centum upon said stock; provided, that certificates of said stock shall not be assignable until after the organization of said company.

Sec. 2. That the subscribers to said capital stock, whenever they shall have selected directors in the manner hereinafter provided, shall be and they are hereby created and established a body politic, under the name and style of the "San Marcos, Gaudalupe and Galveston Canal Company;" with capacity in said corporate name to sue and be sued; to plead and be impleaded; to make perpetual succession and a common seal; to make contracts; to grant and receive; to provide for the issuing of the bonds of the company; to mortgage and hypothecate the canal bed and stock, and all other property of said company, to raise funds to build said canal; to make by-laws for its government and the regulation of its affairs; and, generally, to do and perform all such acts and things as may be necessary and proper for, or incidental to, the fulfillment of its obligations, or the maintenance of its rights under this act, and consistent with the Constitution and laws of this State, and of the United States.

Sec. 3. The capital stock of said company shall be one million of dollars, with the right, at the discretion of the directors of the company, to increase to any amount not to exceed five millions of dollars, to be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote, either in person or by proxy, in all elections, and in other matters where the stockholders shall be called upon to vote; and a majority of the votes shall govern in all cases where it is not otherwise provided by the laws of this State, by this charter, or by the laws of said company; and the said shares shall be transferable on the books of the company in such manner as may be provided by the by-laws.

Sec. 4. That the immediate direction and control of the affairs of said corporation shall be vested in a board of not less than five nor more than nine directors, as may be provided from time to time by the by-laws of the company. Said directors shall be chosen by the stockholders at their annual meetings, which shall be held on the first Monday in October of each year. They shall choose one of their own body to be president of said company; shall

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fill vacancies in their board occasioned by death or resignation; appoint a secretary, treasurer and such other officers as they may think proper, and require bonds for the faithful performance of their duties; make all needful rules and regulations for holding meetings, and all other things that may deem proper for carrying out the provisions of this charter and the business of the company. They shall keep, or cause to be kept, accurate books of accounts, exhibiting the receipts and expenditures of the company. A majority of the directors shall constitute a quorum to do business, and shall have the power of a full board; and all conveyances and contracts in writing, signed by the president and countersigned by the secretary, or any other officer duly authorized by the board of directors, under the seal of the company, and when the same is in execution of an order of said board, shall be binding and valid.

Sec. 5. That as soon as one hundred thousand dollars of the capital stock shall be subscribed, and five per centum thereof paid to the commissioners, they shall cause the first election to be held for directors, first giving notice of the time and place of such election, by publishing in some newspaper, or in any other way the commissioners may see proper to adopt. And when said directors so elected shall have organized, the said commissioners shall pay over to the treasurer of the company all moneys they may have received upon subscriptions to the stock of the compnay, and deliver to said directors all the books and papers belonging to the company.

Sec. 6. Said company, when it shall be organized under the provisions of the preceding sections of this act, shall be and it is hereby invested with the right of locating, constructing, owning and maintaining a navigable canal from the head of San Marcos river to its junction with the Guadalupe; thence down the valley of the Guadalupe to Victoria, in Victoria county; thence to Green Lake; thence to Powder Horn Lake; thence to Matagorda Bay; thence through Matagorda Bay and the coast of Matagorda and Brazoria counties to the city of Galveston, with the right to connect and consolidate with any canal or canals constructed in said counties. And the president and directors of said company shall have power and authority to agree with any person or persons, on behalf of said company, to cut the said canal, and to erect

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such locks and dams, and to perform such other work as they shall judge necessary for the navigation of said canal. Said canal shall be not less than thirty nor more than forty feet wide, and of such depth below the surface of the earth as will render it navigable in dry seasons by vessels drawing three feet of water. And the said company shall have power to divert from the channels of said rivers two-thirds of the water in said rivers for legitimate purposes secured by this charter; and said company shall have the right to use, sell, or otherwise dispose of manufacturing or irrigating privileges; provided, such use or diversion of the water from the canal does not interfere with the speedy and successful navigation of the same; provided, that nothing in this act contained shall in any wise interfere with or impede any right of way that may now or hereafter be granted to the United States of America for the establishment of a coastwise canal along the coast of Texas.

Sec. 7. Said San Marcos, Guadalupe and Galveston Canal Company, after its organization in pursuance to the provisions of this act, under the authority of the board of directors, shall have power to receive further subscriptions to the capital stock of said corporation, from time to time, until the whole amount shall have been subscribed; but five per cent. of all such subscriptions shall be paid at the time of subscribing; and the directory shall be personally liable to said company for five per centum of all such subscriptions as they may receive without such payment; provided, however, that said company may, by a vote of a majority of the stockholders, issue certificates of stock in payment of any debt contracted for the construction of said canal. Any agreement in writing, whereby any person becomes a [subscriber] to said capital stock, may be enforced against him according to its terms; and if any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the directors may sell at public auction, after giving ten days' notice, as required in sheriff's sale, the sale to take place in the county in which the company has its domicile, and transfer the shares of said delinquent to the purchaser; and if the proceeds of such sale shall not be sufficient to pay the amount due, with interest and charges, said delinquent shall be liable to the company for the deficiency;

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but if the proceeds shall exceed the amount due, with interest and charges, he shall be entitled to the excess.

Sec. 8. Said company shall have the right of way along their entire route, not to exceed two hundred feet in width, and such additional width as may be absolutely necessary at given points along the line for needful works, to the successful navigation of said canal, over all the lands of the State, and the free use of rocks, timber, gravel and earth thereof; and the terms of the general laws of this State, to procure the release of the right of way from the owners of the lands along the route; provided, that said company shall obtain, either by written contract or by election, the consent of two-thirds of those possessed of riparian rights, to the diversion of water from its natural channel, where said diversion would detrimentally affect said rights; and shall also have the right to construct and operate a telegraph wire along the entire route.

Sec. 9. Said company shall have the right to cross all public highways that they find it necessary to cross to establish and maintain said canal; but they shall be required to make such bridges over all public highways so crossed as may be necessary for the convenient passage of the public, and shall keep the same in good repair.

Sec. 10. The annual meetings of the stockholders of said company shall be held at the principal office of the company on the first Monday in October in each year, which shall be a day for the transaction of business by the stockholders, each stockholder voting as before provided, at which time the annual election of directors shall take place. Should the stockholders owning a majority of the stock fail to meet on that day, the directors may appoint another day for the said election, and such election on that day, so appointed, shall be valid. Directors elected under the provisions hereof shall hold office until the next annual meeting, and until their successors are chosen and qualified.

Sec. 11. Said company shall have the right to demand and receive, for all commodities transported through it, tolls according to a schedule of rates to be prescribed by law, and until such rates are established, the rates of toll shall not exceed the rates usually charged for canal transportation in the United States; and in case of refusal to pay the tolls at the time of offering to pass the places

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designated by the company for receiving toll, the collector may lawfully refuse passage to whatever refuses payment; and if any vessel shall pass without paying toll, then the collector may seize such vessel, and sell the same at auction, for cash, after having advertised the said sale for one month previous; the money realized from said sale, so far as is necessary, shall be applied towards the paying the said tolls, and all expenses of seizure and sale, and the residue, if any, shall be paid to the owner; and the person having the direction of such vessel shall be liable for such tolls, if the same are not paid by the sale aforesaid. Said canal, when completed, shall forever thereafter be held and taken as a public highway, free for the transportation of all goods, wares, commodities or produce whatsoever, on the payment of the tolls authorized by this act; provided, that nothing in this section shall be construed as authorizing said company to demand or receive toll for the passage of any vessel or vessels over any connecting waters of said canal where nature has furnished the required depth of water.

Sec. 12. Said company shall receive sixteen sections, of six hundred and forty acres each, for every mile of canal built and put in boating order by it; that certificates for such land shall be issued to said company upon the completion of each ten miles of said canal. Upon the completion of the first ten miles, and each successive ten miles, the president of said canal may report the fact of such completion to the Governor of the State, under oath, whose duty it shall be at once to appoint a competent engineer to inspect the canal so completed and reported; and if, on inspection, the said engineer shall find the canal so reported built and finished in a proper manner, and in good boating order, he shall report the same to the Governor, who shall certify the fact to the Commissioner of the General Land Office, whose duty it shall be then, or upon demand, to issue to said company sixteen certificates, for six hundred and forty acres of land each, for each mile of canal so built, inspected and certified as above; provided, said company shall alienate the lands it may get under this act, one-fourth in eight years, one-fourth in twelve, one-fourth in sixteen, and one-fourth in twenty years from the date of issuance; and further provided, the State in no event shall be responsible for a deficiency in the public lands upon which to locate said certificates;

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and said company shall be subject to all general laws governing such corporations. That the certificates issued by this act shall be located and surveyed in alternate sections and the odd sections to be patented to the company, and the even alternate sections set apart for the use of the common school fund, as provided by law for the location, survey and returning maps thereof to the General Land Office of lands granted to railroad companies.

Sec. 13. The said canal company shall commence the construction of their canal in one year from the passage of this act, and shall have the entire channel completed and in boating order in ten years thereafter; otherwise the rights and franchises herein granted shall be forever forfeited.

Sec. 14. That this act take effect and be in force from and after its passage, and shall remain in force for the period of fifty years.

Passed May 28th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXVIII.

An Act to reincorporate the Town of Denton, in Denton County, State of Texas, and to grant a new Charter of Incorporation to said Town.

Title I.—General Powers and Boundaries.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants of the town of Denton shall constitute a body politic and corporate, by the name and style of "The Town of Denton;" and as such they and their successors by that name shall have, exercise and enjoy all rights, immunities and powers, priviles [privileges] and franchises now possessed and enjoyed by said town, and herein granted and conferred,

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and shall be subject to all the duties and obligations now appertaining to, or incumbent in said town as a corporation, and may ordain and establish such acts, laws, regulations and ordinance[s], not inconsistent with the Constitution and laws of this State, as shall be needful for the welfare and good order of said body politic; and under such name shall be known in law; and by said name may sue and be sued, plead and be impleaded, in all suits and in all matters whatever.

Sec. 2. The limits of said town shall be as follows: Beginning at a point one mile north of the center of the public square of said town; thence east one mile; thence south two miles; thence west two miles; thence north two miles; thence east one mile to the place of beginning.

Sec. 3. The municipal government of said town shall be composed of a town council, consisting of the mayor and five aldermen, a majority of whom shall constitute a quorum for the transaction of all business, except such as are hereinafter specified. The other officers of the corporation shall be a recorder, who shall be ex officio assessor of taxes and clerk of the town council, a town marshal, a street commissioner, and a treasurer, and such other agents and officers as the town council shall, from time [to time], direct and appoint, who shall be elected by the qualified voters of said town at an election to be held for that purpose on the first Monday in November, 1873, and shall hold their offices for two years, or until their successors are duly qualified, except street commissioner and treasurer, and such other officers as may be deemed necessary by the town council, who shall be appointed by the council. The mayor, aldermen, and all officers of said corporation of the town of Denton, before entering upon the duties of their respective offices, shall take and subscribe the same oath as county officers, before the mayor incumbent, or some justice of the peace of the county.

Sec. 4. That the present officers of the corporation shall hold their office until the next general election for corporation officers under this act, and their successors are qualified.

Sec. 5. That all persons who have resided within the limits of said corporation for three months next preceding any election, and who are qualified voters for State and county officers, shall be entitled to vote at such election.

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Sec. 6. That there shall be chosen by the board of aldermen, at least ten days before any election, three good discreet men as managers of the election, of which appointment, and of time and place of the election, the mayor shall give at least ten days public notice. On the day of election said managers shall meet at the place designated, and having appointed two clerks, duly sworn by the mayor, or some justice of the peace, to the faithful performance of their duties, without fear or favor, shall proceed to receive the votes, opening the polls at eight A. M. and closing at five P. M., and shall keep a correct list of the names of voters, numbering each voter, and marking each ticket with a corresponding number, as in the case of county elections. As soon after closing the polls as practicable they shall proceed to count the votes, and shall make due return thereof, certified under their hands and seals, which said return, together with a certified list of the persons voting, they shall envelop under seal and transmit by one of themselves to the mayor incumbent, or in case of his absence, to such other officer as shall act in his place and stead, as hereinafter provided. The mayor shall, within two days after receiving the said returns, call together the board of aldermen, who shall in public meeting proceed to open the returns and decide upon the election. The persons having received the greatest number of votes shall be declared electeed. The mayor incumbent shall deliver to the mayor and other officers elected the certificates of their election, under his hand and seal of the town (in case of no seal using a scroll for seal); and in case of the mayor incumbent being absent, indisposed, or for any other reason unable, or refuses to receive said returns; or having received the same, neglects to call a meeting of the aldermen; or having called a meeting thereof, the said board shall not meet; or having met within the time prescribed, shall not open the returns and declare the election; then, or in either case, the election shall not be void, but the managers of the election shall make out duplicate returns of said election, and having certified, sealed and enveloped the same to the presiding justice of the police court of the county, who shall forthwith proceed to determine the election, and deliver certificates of the same, under his hand and official seal, to the persons entitled, in the same manner as the board of

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aldermen and mayor should have done. The mayor and board of aldermen elected shall, on the first Monday after their election, or as soon thereafter as practicable, be regularly installed into their offices in conformity with the provisions of this act. Should any of the managers of the election fail to attend at the proper time and place, the one or two who may be present shall select from the bystanders a suitable person or persons to fill the vacancies so occasioned; and should none of said managers be present, then the bystanders (being voters), shall themselves select three suitable persons to conduct said election and make returns thereof in the same manner as the regular managers should have done had the [they] been present.

Sec. 7. That the board of aldermen, at its first meeting after that in which the members were installed into office, shall proceed to elect from without their own body such officers as shall have been created by the town council, and such others as they may think proper to create, the candidate receiving the highest number of votes being declared elected. The treasurer, collector, recorder and marshal, shall each enter into bond, payable to the mayor of the town and his successors in office, with two or more good and sufficient sureties, in such sum as the board of aldermen may direct, conditioned for the faithful performance of the duties of their offices; whereupon the board of aldermen shall, by motion, order the treasurer, recorder, collector and marshal lately incumbent to deliver over to those several officers elect all moneys, books, papers, records, and all matters and things whatsoever, which they or either of them may have in his or their possession belonging to the said several officers, without which order, under the hand and seal of the mayor, the several officers shall not permit any moneys, books, papers, records and other things, to be taken from the possession of them; and if the said several officers, or either of them, shall, upon the receipt of such order, refuse or neglect to deliver over to their several successors the said moneys, books, papers, records, or other things, or any of them, they or either of them so offending shall be deemed guilty of contempt, and upon conviction thereof in the mayor's court, shall be adjudged to pay a fine not exceeding one hundred dollars, and to be imprisoned not exceeding two days for every week that he or they shall

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so retain the same; said fine to be collected by execution issued from said court, against the estate of them and their sureties; provided, that for the time being, or as long as it may be good policy and to the interest of the town, the board of aldermen shall have power to consolidate the offices of collector, superintendent of streets, and marshal, and require the marshal to perform all the duties of the same under the penalties and bond deemed sufficient by the board of aldermen.

Sec. 8. That the mayor of said town shall be the chief executive and judicial magistrate thereof, and shall be vigilant and active in causing the laws, ordinances and regulations of the town to be executed and enforced. He shall take instant measures for the quelling of riots and discords, and the dispersion of all unlawful assemblages of persons in said town. He shall exercise a general supervision over the conduct of all subordinate officers, and cause their violations of law or neglect of duty to be reported to the board of aldermen, to be punished by fine not to exceed one hundred dollars, or by dismission from office, as they shall see fit. He, at the request of two aldermen, or whenever he may deem it advisable, shall call special meetings of the board of aldermen, causing due notice to be given to each member thereof, and shall preside at all meetings of said board, but shall have no vote unless there be a tie, in which case he shall give the casting vote. He shall from time to time communicate to the board of aldermen such information, and recommend such measures as the welfare of the town may, in his judgment, render necessary, and generally shall do and perform all such acts and duties which the said board of aldermen may lawfully require of him as the chief magistrate of the town; and said court shall have cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other cases arising under the laws of said town, and shall be deemed always open for the trial of such cases. The said mayor, as judge thereof, shall have power to issue subpoenas, writs, executions, and other process known to the law, which a justice of the peace of this State may lawfully issue; and the said writs, subpoenas, executions, and other process shall be issued, served, and executed under the same forms, and in the same manner as the like process should be when issued

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by a justice of the peace. He shall have power to punish all contempt; and for his services the said mayor shall receive such stated salary as the board of aldermen may deem sufficient, which shall not be increased or diminished during the term of any incumbent; and his fees shall be the same for services of like character as those of the justice of the peace as fixed by law.

Sec. 9. The board of aldermen shall be composed of five aldermen, and shall have full power and authority to make and establish such ordinances, regulations, laws and by-laws as they shall deem necessary for thir own government, and to preserve the peace, cleanliness, comfort and salubrity of said town; to secure the safety and convenience of passing in the streets, alleys, squares, and other public ways; to direct the construction, maintenance and repairs of sidewalks in said streets at the cost of the proprietors of neighboring houses and lots, and to determine the dimensions thereof; to establish rules and regulations in relation to partition walls and fences; to require all low grounds and lots in said town to be drained and filled up by the proprietors thereof; and in case of their neglecting or refusing so to do, when ordered, to cause the same to be drained and filled up, and the premises to be sold to defray the expenses thereof; provided, nevertheless, that the proprietors of the lots or land so sold shall be entitled to receive that part of the purchase money that may remain after defraying the expenses of draining, filling and selling the same. The said board shall have the power to establish quarantine and all other regulations which may be necessary to prevent the introduction or spread of contagious epidemics, or infectious diseases; organize a fire department and to regulate the same, and to pass such laws as may be deemed necessary for the prevention and extinguishment of fires; to establish a town guard or patrol, and to regulate the same; to provide for lighting the streets; to establish one or more market places; to establish and enforce, by suitable penalties, the proper weights and measures; to regulate the size and quality of bread, and everything that relates to butchers, bakers, tavern-keepers, and other persons keeping public houses, beer saloons or grog shops, draymen, hack drivers, hearse drivers, water carriers; to prevent the establishment within the said town of houses of ill-fame, or any other place of resort for gambling or other vicious

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purposes; to establish hospitals for destitute sick persons; to provide places for the storing of gunpowder, the burying of the dead, and the reception of carrion, offal, tainted provisions, and other filth from within said town, and to prevent the use of any other place within said limits for the same purposes; to prohibit the establishment of slaughter houses or any other nuisance within said town; and generally to do such other acts and to pass such ordinances, not inconsistent with the Constitution and laws of this State or of the United States, as may conduce to the interest [and] welfare of said town; provided, that no ordinance, law, or by-law, passed in pursuance of this act shall go into effect unless the same be approved by the mayor; or being disapproved by him, it be passed by a vote of four-fifths of the whole board; nor until five days after the same shall have been published, unless, in the opinion of four-fifths of said board, the emergency may be such as to require a departure from this rule. A majority of the board shall constitute a quorum; and the said board may, at any time, for cause assigned, dismiss any officer elected by the board, and elect a new incumbent, four-fifths concurring therein; and to defray the expenses of said town, the said board shall have power to impose a direct property and license tax upon all such persons, property and employments as are liable to taxation under the Constitution and laws of this State, and to make and execute all laws to enforce the collection of the same; provided, nevertheless, that no property tax, unless for special purposes, and specially provided for by act of the Legislature, for any one year shall exceed one-half of one per cent. of the value of the property, nor any license tax the sum of two hundred dollars; nor shall any tax be levied without the concurrence of a majority of the whole board in its favor; and in order to more effectually enforce the ordinances of the said town, the said board of aldermen shall impose upon the violation thereof such fines and penalties not exceeding one hundred dollars, and such imprisonment, not exceeding fifteen days, to be collected and inflicted through the town court hereinbefore provided, as they may deem necessary. Said board of aldermen shall have power to lay out streets and alleys wherever there shall be a necessity for the same; provided, that no street or alley shall be laid out through any person's lot without his or her

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consent, unless he or she shall have first been fully compensated for the same by the said corporation of the town of Denton; and in all cases where there shall be a necessity for laying out new streets, and the owners thereof shall refuse to donate the land for the same, the board of aldermen shall proceed to appoint one man, and the owner or owners of the land through which said street is proposed to be laid out shall select another, who shall be citizens of the corporation, and after being duly sworn by the mayor, shall proceed to assess the damages done the owner of the said land by the laying out of said street, taking into consideration the probable increase in value of lands or lots by the laying out of said street, which amount shall be paid out of the corporation treasury; and in case the two arbitrators shall fail to agree, they shall select one other person, who, like themselves, shall be a citizen of the corporation; and they shall make a written report, under oath, to the board of aldermen of the amount of damages, if any, awarded the party claiming damages for said street; and upon the payment of the amount so declared by said arbitrators to the party claiming damages, the board of aldermen shall proceed to declare said street open; and if there are any obstructions in the same, it shall be the duty of the street commissioner to clear out the same as any other street in said town.

Sec. 10. That the treasurer of said town shall receive and securely keep all moneys belonging to said town, and make all payments for the same, upon the order of the mayor, attested by the recorder. He shall keep regular and correct accounts of their real, personal and mixed property; and shall render a correct statement of his receipts and payments to the board of aldermen at their first regular meeting in every quarter, and whensoever at other times he may be required by them so to do; and at the end of every half year shall cause to be published, at the expense of the town, a statement showing the amount of the receipt and expenditures for the six months next preceding, and the general condition of the treasury; and shall do and perform such other acts and duties as the board of aldermen shall lawfully require of him; and for his services the said treasurer shall receive such compensation as the board of aldermen may deem sufficient, said compensation not to be changed during the services of any incumbent.

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Sec. 11. That the recorder of the town shall make up the assessment of all property taxes by the town, and generally perform all the duties of assessing of taxes in the town as are required of the assessors of the State and county taxes, under such forms and regulations as the board of aldermen may prescribe. All assessments of property shall be made under oath by the party returning the same. If the appraisement be unsatisfactory to the assessor it shall be referred to a board of three commissioners, being owners of real estate in the town to the value of five hundred dollars, and entirely disconnected with the administration of the town, who shall be appointed by the board of aldermen, and whose decision shall be final. The same commissioners shall assess the value of all property whose owners are unknown, or which may not have been returned, and receive for their services such remuneration, not being a per centage, as the board of aldermen shall think proper.

Sec. 12. That the marshal be the chief constable of the town, and shall, either in person or by one of his deputies, attend upon the mayor's court while said court may be in session, and shall faithfully execute all process issued from said court. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said town, and shall take into custody all persons so offending against the peace of the community, and him, her or them have before the mayor's court, if in session; and if the said court should not be in session, the said marshal shall commit the person or persons so offending to the county jail, or such prison as the board of aldermen may provide, there to be securely kept in custody until the mayor's court shall be in session, when he, she or they shall be forthcoming before the said mayor's court, there to be tried and punished according to the laws of the town and the sound discretion of the court; provided, that the said marshal may at his discretion, take suitable and sufficient bail for the appearance before the mayor's court of any person charged with an offense against the ordinances or laws of the town, being himself responsible for the appearance of said accused. The said marshal, for the more efficient discharge of his duties, may appoint one or more deputies, who shall have the same powers and perform the same duties as the marshal has or should perform, the said marshal being responsible to donate the land for the same, the board of aldermen shall

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for the faithful performance of their duties by his said deputies; and for his services, the marshal shall receive the same fees as the sheriff of the county does by law receive for like services, and such other compensation, if necessary, as the board of aldermen may deem sufficient.

Sec. 13. That the superintendent of streets shall supervise all work undertaken by the board of aldermen upon the streets, alleys and public squares of the town; direct the grading of the same, and the construction of sidewalks, so as to preserve a due uniformity in their height and width; superintend the building of all bridges and culverts, and control all gangs of workmen employed by the town upon the streets, alleys, squares or other public thoroughfares; and generally to do all other acts and things which the board of aldermen may require of him, and at all times shall be subject to their control; and for his services shall receive such stated salary as said board may determine.

Sec. 14 That for the more efficient discharge of their several duties, said mayor and the marshal and his deputies are hereby fully authorized and empowered to call to their aid the assistance of any person resident in the said town, whenever in the discharge of their several duties, in cases of riot, disorder, breaches of peace or resistance to their lawful authority, they may need the same; and any person or persons who shall, when so called upon, neglect or refuse to render his or their assistance, shall, on conviction thereof in the mayor's court, be liable to such fine, not exceeding one hundred dollars, and such imprisonment, not exceeding ten days, as said court shall in its sound discretion impose.

Sec. 15. That whenever a vacancy shall occur in the board of aldermen, or any other office in said town, by death, resignation, removal or otherwise; or whenever, from any cause, the regular election shall not be held at the proper time, the board of aldermen shall, as soon as practicable thereafter, order an election to fill such vacancy, or to supply the place of such omitted election, and the said election so ordered shall be conducted in all things in the same manner as hereinbefore prescribed for the regular elections; and in case of the sickness or absence from the town of any officer, and until the vacancy shall be filled by such election, the board of aldermen are hereby fully authorized and empowered to appoint

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other persons, if it be the office of mayor, or from their own body, and if any other officer, from without their body, to fill such office until such absent person return, or sick person shall recover, or such vacancy be filled by election by the people, or by the board of aldermen, and the person so appointed shall have the same powers, perform the same duties, be subject to the same penalties, and receive the same compensation, for the time being, as if he had been duly elected to said office.

Sec. 16. The board of aldermen shall hold their regular meetings on the first and third Wednesday of each and every month, and meet at any other time that the mayor shall, in his discretion, call them together, or any three of themselves shall deem necessary. Each member of said board shall receive for every regular meeting which he shall attend, the sum of two dollars; and any member who shall fail to attend each regular meeting may, for each and every failure, be fined not exceeding five dollars, at the discretion of the board of aldermen, unless prevented from attending by sickness of himself or family, or absence from the town; and no member of said board shall be appointed to any employment, contract or office, except it be mayor pro tempore, as hereinbefore provided.

Sec. 17. That all real estate, which may be sold by or under the direction of the corporate authorities of said town for taxes, or to pay the expenses of draining and filling up the same, as provided for in this act, may be redeemed at any time within two years from the date of sale, by the proprietor, his heirs, executors, or administrators, paying to the purchaser thereof, his representatives, or assigns, or depositing with the treasurer, for his or her benefit, double the amount of the purchase money and of the taxes which he, she or they may have paid thereon; nor shall any title issue to said purchaser before the expiration of said two years, but only a certificate of purchase, saving, nevertheless, to infants, femes covert, and persons non compos mentis, in addition to the two years, the period of infancy, coverture, or mental disability.

Sec. 18. That in any court in this State in which the said town of Denton shall be a party, it shall be no exception to competency of a witness that he is an inhabitant of, or the owner of taxable property in said town, and all

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writs, notices and other process, served upon the mayor, or person acting in his stead for the time being, shall be deemed to be served upon the town of Denton.

Sec. 19. The town council shall have power, and it is made their duty to levy and have collected, annually, a street tax of one-eighth of one per cent. upon all property, both real and personal, situate within said town, and a capitation tax of two dollars and fifty cents upon all male residents of said town between the ages of twenty-one and sixty years, which said moneys so collected shall not be used for any other purpose except the improvement of the streets and roads of said town; and the inhabitants of said town are hereby exempted from the payment of any road tax, for the benefit of Denton county, upon any property situate within said town, or from any capitation road tax upon any person so long as he remains an inhabitant of said town.

Sec. 20. That all laws and parts of laws in conflict with this act be and they are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved May 28th, 1873.

CHAPTER CCXIX.

An Act for the relief of the Heirs of George W. Miller, deceased.

Whereas, It appears from indubitable evidence, that George W. Miller immigrated to Harris county, Texas, in the year A. D. 1839, and obtained a conditional headright certificate for three hundred and twenty acres of land; and

Whereas, Said George W. Miller, having lost his life by being drowned at sea, in the Gulf of Mexico, in the year A. D. 1841, leaving young orphan children, who, not knowing the law, thereby not obtaining an unconditional certificate, as by the then existing law he was entitled; and

Whereas, The records of the General Land Office show that the conditional certificate for three hundred and

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twenty acres of land was issued to said George W. Miller by the board of land commissioners of Harris county; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby required to issue to the heirs of George W. Miller a certificate for three hundred and twenty acres of land, to be located and patented on any of the unlocated public domain of the State.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXX.

An Act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. Croft, Alexander Beaton, L. D. Bradley, J. P. Smith, Wm. A. Stuart, James Garritty, Sam. R. Frost, J. L. Halbert, and John G. Williams, J. W. Ferris, Wm. M. McDaniel, and their associates and successors, are hereby created a body corporate and politic, under the name and style of the Beaumont, Corsicana and Fort Worth Railroad Company; with capacity to make contracts; to have succession and a common seal; to make by-laws for its government; and in its corporate name to sue and be sued; to grant and to receive, and generally to do and perform all acts and things as may be necessary and proper or incident to the fulfillment of its obligations or the maintenance of its rights under this act, consistent with the provisions of the Constitution of this State.

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Sec. 2. That the said company be and is hereby invested with the right of making, owning and maintaining a single track railway and telegraph line from or near Beaumont, in Jefferson county, or at such point on the Texas and New Orleans Railroad, or Eastern Texas Railroad, within the county of Jefferson, as may be deemed most expedient or convenient, and running thence in a northwesterly direction by the most eligible route to the town of Hardin, in Hardin county,; thence to a point on the Livingston and Woodville road five miles east of the town of Livingston, in Polk county, and there to establish a passenger and freight depot; thence to the town of Crockett, in Houston county; thence to the towns of Butler and Fairfield, in Freestone county; thence to the town of Corsicana, in Navarro county; thence to the town of Waxahachie, in Ellis county; thence to the town of Fort Worth, in Tarrant county, with the privilege of forming such junctions, crossings or connections with the Texas and Pacific Railroad at Fort Worth as may be deemed eligible and convenient; provided, that said company shall establish a passenger and freight depot within one-half mile of the business portion of each of said towns; provided, said towns respectively shall donate to said company sufficient lands for rights of way, switches, side tracks and depot buildings, not to exceed in each case fifteen acres; and the said company shall have a right to form junctions, crossings or running connections with any railroad on their line betwen Beaumont, Corsicana, and Fort Worth, and at said towns especially, with full power to unite with any other company upon such terms as may be agreed upon; and the right to cross and bridge all rivers and water courses along the line, subject to the laws of the State in regard to the navigation thereof. That said company shall commence the construction of their said road at Beaumont or Concord, and shall complete and put in good substantial running order fifty miles of said road by the first day of January, A. D. 1876, and shall thereafter annually construct and put in substantial running order twenty-five miles of said road; and upon failing to comply with the provisions of this section, said company shall forfeit all rights to the lands herein donated, except upon completed road.

Sec. 3. That the right of way through the public domain of the State of Texas, to the extent of two hundred

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feet in width, and to include all necessary grounds for station buildings, depots, machine shops, switches, side tracks, etc.; and the right to take from the public lands stone, timber and other material for the construction of said railroad is hereby granted to the said Corsicana and Beaumont Railroad Company.

Sec. 4. That there is hereby granted to said company the right of way over any lands, roads and premises for the construction of said railroad; and said company are hereby authorized and empowered to enter upon, purchase, take and hold any land and premises necessary for the purpose of establishing and constructing said railroad and telegraph lines, and all depots, stations, turnouts and other structures required in constructing and operating said railroad; provided always, that the land and premises so taken for the road bed shall not exceed two hundred feet in width; and that taken for depots, turnouts, machine shops, etc., and other purposes, only such further width as may be necessary for such purposes.

Sec. 5. That if any person or persons whose lands may be taken for the purposes aforesaid, and the said Beaumont, Corsicana and Forth Worth Railroad Company cannot agree upon the value thereof, either party may apply to the district court of the county in which the lands and premises are situated for the appointment of commissioners, whose duty it shall be to assess the value thereof; and upon such application, in vacation or term time, the said court shall appoint three disinterested freeholders of said county, who shall thereupon appoint a time to view the land and premises aforesaid, and hear the owner thereof, and the said company, to whom shall be given by said commissioners reasonable notice of the time and place of said hearing. And said commissioners, after being duly sworn, and after hearing the parties and such evidence as they produce, shall determine the amount of compensation, if any, to which the owner of the land and premises shall be entitled, and make return of their proceedings and of their award to the next succeeding term of said court; and said award, if not rejected by said court for cause then shown, shall be entered up as the judgment of said court.

Sec. 6. In determining the amount of compensation for land and premises, said commissioners shall be governed by the actual value of the property at the time it

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was taken, considering the benefits and injuries to the lands and premises of the owner occasioned by the establishment of said railroad. During the enquiry as to the value of said lands and premises, said company shall in no manner be molested or hindered in the prosecution of their work thereon, or in the occupation or use thereof; provided, however, that the said company shall, for the use of the owner of the said land, pay into the court a sum equal to that which shall or may be finally awarded, which shall vest in said company the title to said land and premises, and the right to use and occupy the same for the construction, maintenance and operation of said railroad.

Sec. 7. If any lands, taken as aforesaid, are owned and held by an infant, insane person, or person subject to any legal disability, the court shall appoint a guardian for such person, who shall give bond, with sufficient sureties, for the proper and faithful execution of his trust, and who shall appear and represent the party under disability as aforesaid; and thereupon the same proceedings may be had, and with the same effect as above described. Nor shall the title of said company to the lands and premises, taken by virtue of this act, be impaired by reason of any failure by the guardian to discharge his trust faithfully.

Sec. 8. When it shall be necessary for said company to enter upon land and premises as aforesaid, which are unoccupied, and of which there is no known owner or claimant, or where the owner resides beyond the limits of the State, said company may take posession of and use the same for the purposes aforesaid, and may institute proceedings in the manner already provided for the purpose of establishing the value thereof and acquiring title thereto. But the judge to whom application is made shall determine upon and prescribe the notice to be given to such owner or owners of the application; and the judge may in his discretion appoint a guardian or attorney to represent such owner or owners in case of his or their incapacity or non-appearance; and in the event that no owner shall appear within five years from the time of opening said railroad across any lands, all claim to damage against the company shall be barred.

Sec. 9. The persons hereinbefore named are hereby constituted a board of commissioners of the said railroad company, and they shall continue in office two years, and until their successors shall be elected and qualified

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as hereinafter provided, and a majority of them shall constitute a quorum to do business. The first meeting of said board of commissioners shall be held at Corsicana, on the first day of July, A. D. 1873, or within three months thereafter, as they shall determine, notice of the time being previously given by the two first-named commissioners by publication in some weekly newspaper in Corsicana or Fairfield, for at least four weeks previous to the day of meeting.

Sec. 10. Said board of commissioners shall organize by electing by ballot from their number a president, vice president, secretary and treasurer, and such officers as they may deem necessary for their organization; and they shall require from the treasurer such bonds as they may deem right, and increase the same as they may deem proper. They shall keep, or cause to be kept, a record of all their proceedings, and an account of their receipts and expenditures, and such other books as they may require. The president, or in his absence the vice-president, secretary and treasurer, or any two of them, may, in like manner as hereinbefore provided, call a meeting of said board of directors.

Sec. 11. It shall be the duty of said board to open books at such times and places as they may deem proper, to receive subscriptions to the capital stock of said corporation; and as soon as two hundred and fifty thousand dollars of the capital stock of said corporation shall be subscribed, and five per cent. thereof paid in, and the balance thereof secured by promissory note, the president, or in his absence the vice-president, secretary and treasurer, or any two of them, shall appoint a time and place for the first meeting of the subscribers to the stock of the company, and give notice thereof in at least one daily newspaper published in each state in which subscriptions have been made, for at least thirty days previous to the day of meeting; and such subscribers to said stock as shall attend the meeting so called, either in person or by proxy authorized by writing, shall then and there elect, by ballot, nine directors for said corporation. In all elections each share of the capital stock shall entitle the owner to one vote, and no one shall be a director who is not the owner of one or more shares of stock.

Sec. 12. The said board of commissioners, so soon as said corporation is organized by the election of directors,

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as provided for in the preceding section, shall deliver to the directors so elected all the money and property whatsoever, subscription books and other books in their possession, belonging to said company, taking their receipt therefor; and the organization and duties of said board of commissioners, and such officers as they may have appointed, shall then cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate.

Sec. 13. The board of directors, chosen in accordance with the above provisions, shall elect from their own number a president and vice president, who shall hold their office for a period of one year, and until their successors are elected and qualified; and said directors shall appoint a secretary and treasurer, and such inferior officers as they shall deem necessary for the organization of the company, who shall hold their offices at the will and pleasure of said directors, or for such period of time as may be fixed by the by laws of the company. The secretary and treasurer shall give such bonds, with such sureties as the directors may from time require. If it should so happen that an election of directors shall not be made on any day fixed by the by-laws of the company, the corporation shall not for that reason be dissolved. The board of directors shall have power to fill any vacancy or vacancies that may occur, from any cause, in said board; and the directors so appointed shall hold their offices until the next regular election.

Sec. 14. The immediate control and direction of the business and affairs of said company shall be vested in the board of directors, of whom six, including the president, or, in his absence, the vice-president, shall constitute a quorum for the transaction of business. The directors shall have full power to make and publish such by-laws, rules and regulations as shall be needful and proper for the management and disposition of the property, stock and effects of the company; to prescribe the duty and pay of the officers, and regulate the conduct of their employes, the elections and meetings of the directors, and the general business of the corporation. The board of directors shall, at the meeting of the stockholders, of which there shall be one each year, submit the by-laws of the company to the stockholders for their ratification or rejection.

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Sec. 15. Thirty-three per centum of the stockholders may call a meeting at the office of the company in this State, for such purpose, and for the transaction of such business, as shall be named in the notice calling the meeting, and thirty days notice thereof shall be given. The president and vice-president, or either of them, and two directors, shall have power to call a meeting of the board of directors, at such time and place as may, in their judgment, be necessary and proper; provided, that whenever any called meeting is held in the State, twenty days notice thereof shall be given to each director in writing, either by delivery of the same at his usual place of business, or at his residence, or by mailing the same to him; and a like notice of thirty days shall be given when such meeting shall be called to take place outside of the State. The vote of any absent director may at any time be taken by submitting the question to be voted on to him in writing; and his vote shall be returned in writing, under such regulations as may be established in the by-laws.

Sec. 16. The board of directors of said company shall cause to be made and published an annual report of the proceedings and expenditures of the corporation, which shall be verified by the oath of the president, or in his absence, by the vice-president, and the secretary and treasurer, a copy of which shall be deposited in the office of the comptroller of the State; and they shall, from time to time, fix and regulate the fares, rates and charges to be received and paid for transportation of persons and property over said railroad, or any part thereof, not to exceed in amount the charges prescribed by the laws of the State.

Sec. 17. The capital stock of said company shall not exceed five millions of dollars, which shall be divided into shares of one hundred dollars each. Each share thereof shall entitle the owner thereof to one vote, which may be given in person, or by proxy, constituted in writing, at all the meetings of the stockholders; provided, that any action or vote of three-fourths of said stock, by vote cast at any meeting of said stockholders, shall be binding on all the stock of said corporation. Said stock shall in all respects, and for all purposes, be deemed personal estate, and shall be transferable in such manner as the by-laws may provide.

Sec. 18. Said company are hereby authorized to bor-

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row money and purchase property on their own credit, for the purpose of constructing, maintaining, and operating their railroad and telegraph lines; to issue bonds and obligations, bearing interest not to exceed ten per centum per annum, payable as they may determine; provided, that the amount of bonds, etc., issued, shall not exceed five million of dollars. To secure the payment of said bonds and obligations, they may mortgage their railroad, telegraph lines, capital stock, corporate franchise, and all other property, real or personal, or any part thereof, as they may deem expedient.

Sec. 19. So soon as said company are organized, by the election of a board of directors, they may require the payment of the balance of subscriptions at such times and in such portions, and on such conditions as they shall deem necessary to complete said railroad and telegraph lines within the time prescribed by this act; sixty days notice shall be given of payments required, and of the times and places of collection, by publishing a notice thereof in some daily newspaper in each State where such stock may be subscribed. If any stockholder shall refuse or neglect to pay any one of the installments, as required, he shall forfeit the right to vote upon his stock at the meetings of the stockholders; shall be ineligible to the office of director, and shall forfeit his stock and such payments, if any, as shall have been made thereon to the company; provided, however, that the board of directors may allow the redemption thereof on such terms as they may prescribe; and provided, that said stock at the time of the failure to pay as aforesaid shall not be the property of a minor or of a person of unsound mind.

Sec. 20. It shall be the duty of the directors of said company to keep a record of all their proceedings, an account of the receipts and expenditures of said company, and of all other matters necessary to be kept, which record books shall be open at all reasonable hours of business for the inspection of any person interested, or having business with the corporation.

Sec. 21. That an office of said company shall be established at Corsicana, and which may be moved from time to time to such places on their line as the progress of the work of construction may render necessary.

Sec. 22. The railroad and telegraph lines of said company shall be thoroughly and substantially built, and

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equal to the standard of railroads in the State; said company shall provide good rolling stock, for the prompt and efficient operation of the road, and shall establish depots and stations at such places as shall be considered to the interests of the people, and the proper transaction of the business of the corporation, except as hereinbefore provided.

Sec. 23. That the State of Texas hereby donates and grants to said company sixteen sections of land, of six hundred and forty acres each, for each and every mile of road completed and put in good substantial running order on said line, as hereinafter provided; that whenever and as often as the company shall construct and put in good substantial running order a section of ten miles or more of said road, may inform the Governor of the fact, and it shall be his duty to appoint some skillful engineer to examine said section of road; and if upon the report of such engineer, made to the Commissioner of the General Land Office under oath, it shall appear that said road has been constructed and put in good substantial running order, and in accordance with this act and the laws of this State, thereupon it shall be the duty of the Commissioner of the General Land Office to issue to said company sixteen land certificates, of six hundred and forty acres each, for each mile of such completed road. That all land certificates issued to said company under the provisions of this act may be located upon any of the unappropriated public domain of the State, and shall be surveyed in alternate sections; that is to say, said company shall cause to be surveyed for each certificate so issued two sections of land, of six hundred and forty acres each, adjoining, and shall return to the General Land Office the field notes and maps of the same; and the Commissioner of the General Land Office shall thereupon number said sections so surveyed, and shall cause to be issued to said company patents to the odd sections, the even sections being reserved to the school fund; provided, that the State of Texas shall not be responsible for any deficiency in public land upon which to locate such certificates, and any of such certificates not located because the public lands are exhausted shall constitute no claim against the State of Texas.

Sec. 24. That said company shall alienate the lands hereby donated, except so far as may be necessary to the maintenance and running said road, as follows: one-fourth

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in eight years, one fourth in twelve years, one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the certificate, in such manner that the whole of such lands shall pass out of the hands of said company within twenty years from the date of the certificates; provided, that said lands shall in no instance be alienated to any other railroad company, except as far as may be absolutely necessary for the use and conducting the business of such company; nor to any other corporation or company of which any of the officers or stockholders of this company are members; nor to any other corporation, company, or person or persons in trust for this company; and upon failure to comply with, or a violation of the provisions of this section, the company shall forfeit all right to such lands, not alienated as herein required. That said company shall be subject to the laws of this State regulating railroads and railroad companies, now or hereafter to be in force.

Sec. 25. That said company shall not have the right to consolidate with, or sell or lease to, or purchase or lease, any competing, parallel or converging railroad line, and the violation of this section shall work a forfeiture of all rights secured by this act.

Sec. 26. That this act take effect from and after its passage, and remain in force for a period of sixty years; that it have the effect of a public act, and that the courts of the county are hereby required to notice it accordingly.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCXXI.

An Act to compensate Aaron S. Mangum for services rendered as a Soldier in the Army of the Republic of Texas.

Whereas, Aaron S. Mangum enlisted and served as a private in the Georgia Battalion in the army of the Republic of Texas for the term of six months from the first day of November, A. D. 1835, until after the battle of San Jacinto; and

Whereas, The State of Texas has not compensated said Aaron S. Mangum for said services, in whole or in part; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That certificates for one-third of a league as headright, and six hundred and forty acres as donation, be allowed the said Aaron S. Mangum, as compensation for his services rendered the Republic of Texas as a soldier, and that the Commissioner of the General Land Office issue the same upon application.

Sec. 2. This act shall take effect and be in force from and after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXXII.

An Act to authorize the County Court of Brazos County to levy and collect a Special Tax of one-fourth of one per cent. on all the taxable property in said County, for the purpose of completing the Court House and [making] more secure the jail of said county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Brazos County

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be and is hereby authorized to levy and collect for the year 1873 a special tax of one-fourth of one per cent. on all taxable property in said county subject to taxation under the laws of the State, for the purpose of completing the court house and making more secure the jail in said county.

Sec. 2. That said tax shall be collected as other taxes are collected, and paid by the collector into the county treasury, and expended by the county court for no other purpose than completing the court house and making more secure the jail in said county of Brazos.

Sec. 3. This act to be in force from and after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXXIII.

An Act to authorize the County Court of Victoria County to levy a Special Tax to repair the Jail in said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Victoria County be and is hereby authorized by law to levy and collect a special tax upon all the taxable property of said county, sufficient to raise not exceeding fifteen hundred dollars, for the purpose of repairing the jail in said county.

Sec. 2. That this act shall be in force and effect from and after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections

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thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXXIV.

An Act entitled An Act to validate the Quadruplicate Certificate for one League and one Labor, issued April 4th, 1872, to the Heirs of Naham Mixon, deceased."

Section 1. Be it enacted by the Legislature of the State of Texas, That the quadruplicate certificate No. $\frac{89}{402}$ issued by Jacob Keuchler, Commissioner of the General Land Office, April 4, 1872, in lieu of triplicate certificate No. $\frac{14}{161}$ issued by F. M. White, Commissioner of the General Land Office, February 17th, 1862, to the heirs of Naham Mixon, deceased, be and the same is declared legal and valid for all purposes, equal to the original headright certificate itself.

Sec. 2. That this act take effect from and after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXXV.

An Act to establish a Ferry across the Trinity River, at Prewit's Old Mill.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Prewit be and is hereby authorized to establish a ferry across the Trinity river at Prewit's Old Mill, at any time within six months from the passage of this act, on the road leading from

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Waxahachie, Ellis county, [to] Kaufman, in Kaufman county.

Sec. 2. That it shall be the duty of the said George W. Prewit to provide and keep in good repair all necessary and sufficient boats, for the transportation across said river of all passengers, wagons and other wheel carriages, horses, oxen and stock of every description; and that, upon the providing and keeping such boats in good repair, he shall have the right to use and enjoy said ferry, within the limits of two miles, and no other toll ferry or bridge shall be established within the limits aforesaid for and during the term of ten years.

Sec. 3. That said George W. Prewit shall have, for and during said term of ten years, the right to charge such rate of toll as may be authorized by the Police Court of Ellis county.

Sec. 4. That the said George W. Prewit shall enter into bond, with good and sufficient security, of one thousand dollars, payable to the chief justice of Ellis county, or his successor in office, for all damages that may accrue from neglect of duty, and shall pay to the said county of Ellis the annual ad valorem tax established by law upon the value of the ferry privilege.

Sec. 5. That this act shall take effect from and after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor for his approval on the second of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCXXVI.

An Act to appropriate five hundred and three dollars to pay second class certificate number two thousand eight hundred and eighty-six of the Public Debt of the Republic of Texas, issued to John R. Cunningham, September 1st, 1851.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five hundred and three dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay certificate No. two thousand eight hundred and eighty-six, second class of the public debt of the Republic of Texas, issued to John R. Cunningham on the first day of September, eighteen hundred and fifty-one.

Sec. 2. That the Comptroller of Public Accounts be and he is hereby authorized and required to issue his warrant in favor of Andrew Cunningham, the executor of the principal legatee of the said John R. Cunningham, now deceased, against the Treasurer of the State, for said sum of five hundred and three dollars, for the payment of said certificate.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXXVII.

An Act for the relief of Obediah Marsh.

Section 1. Be it enacted by [the] Legislature of the State of Texas, That Obediah Marsh, of Houston county, be and he is hereby restored to all the rights of citizenship,

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civil and political, on an equality with other citizens of this State; and that this act shall take effect and be in force from and after its passage.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXXVIII.

An Act to prohibit the sale or disposition of spirituous or other intoxicating Liquors within three miles of the town of Rancho, in Gonzales county, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person to sell, or otherwise dispose of any spirituous, vinous or other intoxicating liquors within three miles of any college or seminary of learning, at the town of Rancho, in Gonzales county, except on the certificate of some practicing physican, for medical purposes.

Sec. 2. Any person violating the provisions of the first section of this act shall, upon conviction before any court of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars for each and every offense.

Sec. 3. This act shall take effect and be in force within thirty days after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five hundred and three dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay certificate No. two thousand eight hundred and eighty-six, second class of the public debt of the Republic of Texas, issued to John R. Cunningham on the first day of September, eighteen hundred and fifty-one.

Sec. 2. That the Comptroller of Public Accounts be and he is hereby authorized and required to issue his warrant in favor of Andrew Cunningham, the executor of the principal legatee of the said John R. Cunningham, now deceased, against the Treasurer of the State, for said sum of five hundred and three dollars, for the payment of said certificate.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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civil and political, on an equality with other citizens of this State; and that this act shall take effect and be in force from and after its passage.

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Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person to sell, or otherwise dispose of any spirituous, vinous or other intoxicating liquors within three miles of any college or seminary of learning, at the town of Rancho, in Gonzales county, except on the certificate of some practicing physican, for medical purposes.

Sec. 2. Any person violating the provisions of the first section of this act shall, upon conviction before any court of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars for each and every offense.

Sec. 3. This act shall take effect and be in force within thirty days after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCXXIX.

An Act amendatory of and supplemental to an Act entitled "An Act to incorporate the Galveston and Eastern Texas Railway Company," approved December 1st, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section six of the act entitled "An act to incorporate the Galveston and Eastern Texas Railway Company," approved December 31st, 1871, shall be so amended as hereafter to read as follows: Sec. 6. That said company, when organized under the provisions of this act, shall be and is hereby invested with the right of locating, constructing, owning, operating and maintaining a railroad, commencing at the city of Galveston, and running thence, by the most eligible route, to the town of East Liberty, in the county of Liberty; thence, on the most eligible route, to a point in the county of Polk, five miles east of the town of Livingston, on the Woodville road; and at which point the said company shall establish and maintain a passenger and freight depot; thence to the town of Moscow; thence to the town of Homer; thence to the town of Carthage, in Panola county; thence to the town of Jefferson, in Marion county; thence to some point on Red River, to connect with a railroad coming from or through the State of Arkansas, with the right to construct a branch road to the eastern limits of the State, through the towns of Jasper and Burksville; and said company shall establish and maintain a passenger and freight depot within one-half mile of the business portions of said towns, respectively, through or by by which said road shall pass; provided, said towns, respectively, donate to said company lands enough for right of way, side tracks, switches, turnouts, water tanks and depot buildings, not to exceed fifteen acres.

Sec. 2. Be it further enacted, That section fifteen of the above recited act shall be so amended as hereafter to read as follows: Sec. 15. Said company shall commence the construction of said road at the town of Liberty, on the east bank of the Trinity river, and shall construct and put in running order fifty miles thereof in the direction of said town of Jefferson within two years from the passage of this act, and shall thereafter annually con-

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struct and put in running order fifty miles of said road in the same general direction. Said company may also commence the construction of said road at such other points in addition to that named in [the] foregoing provisions as said company may direct.

Sec. 3 That the State of Texas hereby donates and grants to said company sixteen sections of land, of six hundred and forty acres each, as hereinafter provided, for each and every mile of road completed by said company on said line. Whenever and as often as said company shall complete and put in good substantial running order a section of ten or more miles of its said railroad, may inform the Governor, whose duty it shall be to appoint some skillful engineer to examine said road, and to report, under oath, to the Commissioner of the General Land Office; and if it shall appear from said report that said section of road has been completed and put in good substantial running order, in accordance with its charter and the laws of the State, then the said Commissioner of the General Land Office shall cause to be issued to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of railroad so completed and put in good substantial running order.

Sec. 4. That the land certificates issued to said company under the provisions of this act shall be located on the unappropriated public domain in alternate sections; that is to say, said company shall cause to be surveyed two sections of land, of six hundred and forty acres each, adjoining, for each certificate so issued; and said company shall cause to be returned to the General Land Office the field notes and maps of such surveys; and thereupon the Commissioner of the General Land Office shall cause to be issued to said company, or its assignees, patents to the odd sections, the even sections thereof being reversed to the State for the school fund; provided, the State of Texas shall, in no event, be responsible for any deficiency of public domain; and the certificates issued to said company under the provisions of this act, not located because the public lands are exhausted, shall constitute no claim against the State of Texas.

Sec. 5. That the lands acquired by said company, under the provisions of this act, shall be alienated as herein provided; that is, one-fourth of said land shall be alienated in eight years; one-fourth in twelve years; one-

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fourth in sixteen years; and the remaining one-fourth in twenty years from the date of the issuance of the certificates, except so far as is necessary and proper for the use and conducting its business; provided, said land shall not be sold to any other railroad company, except so far as may be necessary for the use and conducting the business of such other railroad company; nor to any firm, company or corporation, of which any officer or stockholder of said company is a member; nor to any person, firm or company in trust for said company; and a failure to comply with, or any violation of the provisions of this section by said company, shall work a forfeiture of all rights secured by this act.

Sec. 6. That said company shall not lease, rent or sell, nor purchase, lease or rent any other competing, converging or parallel railroad, nor shall said company consolidate with such other railroad company or companies; and the violation of the provisions of this section shall work as a forfeiture of all rights secured by this act.

Sec. 7. That the State of Texas reserves the right to regulate the rate of charges for the transportation of persons and property by said railroad company, and the conduct of the officers and agents of the same; and also to regulate the conduct of said company as common carriers by the general laws of this State, now or bereafter to be in force.

Sec. 8. That the charter of said company shall remain in force for the term of sixty years, and no longer. That this act take effect and be in force from and after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.].

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CHAPTER CCXXX.

An Act to validate a certain Land Certificate therein named.

Whereas, The board of land commissioners of Washington county, on the 7th day of May, 1845, issued to John Nix a certificate for six hundred and forty acres of land, number 213, fourth class; and

Whereas, Said board of land commissioners reported to the Commissioner of the General Land Office a certificate of the same number, date and class, and to the same party, for three hundred and twenty, instead of six hundred and forty acres of land; and

Whereas, The said John Nix, being a married man, was really entitled uner the law to a certificate for six hundred and forty acres of land; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That certificate number 213, class 4, issued on the 7th day of May, 1845, by the board of land commissioners of Washington county, to John Nix, be and the same is hereby validated, and the Commissioner of the General Land Office is hereby authorized and required to respect the same, and to issue a patent thereon, the same as if it had been correctly reported.

Sec. 2. This act shall take effect and be in force from and after its passage.

Passed May 29th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirtieth day of May, A. D. 1873, and was not signed by him, or returned to the House in which it originated with his objections thereto, within the time prescribed by the Constitution and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCXXXI.

An Act to prohibit the sale of all intoxicating or spirituous Liquors within certain limits of Fairview Academy, in Williamson County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons to dispose of any spirituous, vinous or other intoxicating liquors, by sale or otherwise, within three miles of Fairview Academy, an institution of learning, located at Liberty Hill, in Williamson county, Texas; provided, that this act shall not prohibit any person from selling or purchasing the same for medicinal purposes, under the prescription of some practicing physician, or for sacramental purposes.

Sec. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction shall be fined in a sum not less than twenty nor more than one hundred dollars for every such offense.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXXXII.

An Act to incorporate the Town of Granberry, in Hood County, State of Texas.

Section 1. Be it enacted by the Legislaure of the State of Texas, That the citizens of the town of Granberry, in Hood county, Texas, be and they are hereby declared a body corporate and politic, under the name

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and style of "The Corporation of the Town of Granberry;" and by said corporate name shall have the power of suing and being sued, pleading and being impleaded, and of holding and disposing of personal and real estate within the limits of said corporation.

Sec. 2. That the limits of said corporation shall be as follows: Beginning at a point one-half of one mile north of the center of the public square of the said town of Granberry; thence one-half of one mile east; thence one mile south; thence one mile west; thence one mile north; thence one-half of one mile east to the place of beginning; provided, the boundaries of said corporation shall not, in any direction, cross the Brazos River, but only extend to the water's edge.

Sec. 3. That it shall be the duty of the citizens, qualified voters under the Constitution and laws of this State, who reside within the limits described in section second of this act, to elect a mayor, four aldermen, a town marshal and recorder; and that said election shall be held within sixty days after the passage of this act, ten day's notice of election being given; that the presiding justice of said county shall direct said election, appointing suitable citizens to act as judges, and shall give the notice required in this act; that annually from the date of said election, the mayor shall give ten days' notice and order election of successors in office. In case of vacancy by death, resignation, or otherwise, the mayor and aldermen shall elect an officer to fill such vacancy.

Sec. 4. That the recorder shall act as assessor and collector of corporation taxes in said corporation, and shall give such bond as may be required by the mayor and aldermen. The mayor and board of aldermen shall appoint one of their body to act as treasurer, who shall give such bond, and be governed by such ordinances as may be enacted by said body; and shall pay out the funds of said corporation, on the order of the mayor, approved by a majority of the aldermen.

Sec. 5. That all qualified voters under the Constitution and laws of the State shall be allowed to vote in the election of officers for said corporation; and that no one shall be eligible to the office of mayor, aldermen, marshal or recorder, unless he is a citizen of the corporation, and entitled to vote under the Constitution and laws of this State.

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Sec. 6. That it shall be the duty of the mayor and aldermen to pass ordinances, not inconsistent with the Constitution and laws of this State or of the United States, for the regulation of the police and for the preservation of order and law within the corporate limits of said town; for removing and abating nuisances, keeping the streets in order, and for the protection of the lives, health, peace and property of the citizens in said corporation, and to prescribe and enforce penalties for the violation of said ordinances by fine and imprisonment; but in no case shall such fine exceed one hundred dollars, nor imprisonment exceed the period of ten days.

Sec. 7. That by a two-thirds vote of said corporate authorities they shall have the right to levy and collect a corporation tax, which shall not exceed one-half of the State tax, according to valuation of property; and when a meeting of said corporate authorities is called for this purpose, it shall be so stated in the notice. Said corporate authorities shall have the right to establish schools in the corporation, and for this purpose may levy and collect a tax, not to exceed one-half of the State tax, on all circuses, shows, exhibitions of legerdemain, or other public exhibitions occurring in said corporation where the parties charge for admittance into the same, save and except such as may be for charitable purposes. The corporate authorities may appropriate, by a two-thirds vote, the funds arising under the last preceding clause of this section, for city purposes.

Sec. 8. That said corporation is empowered to pass and enforce all needful rules and regulations; provided, they are not inconsistent with the Constitution and laws of this State; and in cases of riot, or disturbance of the peace, the authorities of said corporation shall have the right to summon and call out such posse as may be deemed necessary to preserve order.

Sec. 9. The mayor of said corporation shall have such jurisdiction, and exercise such power in criminal matters, as may be provided by law.

Sec. 10. The mayor, aldermen, recorder and marshal shall receive such fees of office as may be provided by the board of aldermen.

Sec. 11. That this act shall take effect and be in force from and after its passage.

Approved May 30th, 1873.

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CHAPTER CCXXXIII.

An Act for the relief of certain Citizens of Limestone and Walker Counties.

Whereas, In pursuance of a proclamation of His Excellency Governor E. J. Davis, of date October 9th, 1871 declaring martial law in Limestone county and in Walker county, by proclamation of martial law on the....day of ..... 1871, troops were stationed in said county, and many of the citizens thereof were compelled to pay, by way of military tax, such sums of money as were assessed against them, by such military authority; and

Whereas, Such citizens ought to be reimbursed the sums of money so paid:

Section 1. Be it, therefore, enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be and he is hereby authorized and required to issue certificates to the persons and firms herein named, and for the amounts respectfully [respectively] herein stated, being the persons and firms from whom such collections were made and the amounts by them respectively so paid, as follows: To E. B. Stork, fifteen dollars; Charles Langmer, twelve dollars; B. Meyer, thirteen dollars and fifty cents; George Strube, nine dollars; R. A. Keys, five $\frac{25}{100}$ dollars; John Arto, twenty-two dollars; S. W. Randlewon, seventy $\frac{50}{100}$ dollars; G. M. Estes, five $\frac{40}{100}$ dollars; M. A. Walder, sixty dollars; Sedgwick & Elliot, seven $\frac{80}{100}$ dollars; W. G. F. Sedgwick, seven dollars and eighty cents; G. W. Wilson, four dollars and eighty cents; W. P. Hall, four dollars and five cents; J. H. Powell, twenty-one dollars; R. B. Barrett, twelve dollars and thirty cents; Obi Cox, three dollars; Isaac Wright, nine dollars and ninety cents; J. S. Bray, thirty-four dollars and eighty-six cents; J. W. Hinson, thirty-eight dollars and twenty-five cents; M. Donaho, three dollars and ninety cents; W. A. Bates, five dollars and forty cents; C. L. Miller, three dollars; J. Blume, six dollars; H. A. Henderson, four dollars and fifty cents; J. Tompkins, thirty dollars; G. W. Turner, six dollars; A. Brohn, twenty-one dollars; W. Harkey, four dollars and fifty cents; Hemp Ash, thirty-nine dollars; Davis & Brother, seventy-four dollars and seven cents; A. M. Perry & Co., fourteen

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dollars and seventy-five cents; J. S. Leonard & Co., eighteen dollars; J. L. Leonard, seven dollars and fifty cents; F. C. J. Leiberman, thirty six dollars and seventy-five cents; John Adams, eighty-six dollars and sixty cents; H. M. Meenger, six dollars; J. W. M. Derald, five dollars and eighty-five cents; J. H. Fidwell, six dollars and sixty cents; B. A. Guin, thirty-six dollars and eighty-three cents; Sanger & Brothers, four hundred and ninety dollars and fifty-six cents; Block Brothers & Co., six hundred and twenty-five dollars and fifty cents; Virginius Block, twenty-four dollars and seventy-five cents; S. B. Anglin, fourteen dollars and thirty-one cents; Anglin & Co., sixty dollars; S. K. Anglin, fourteen dollars and seventy cents; Griggs & Richardson, one hundred and fifty dollars; J. W. Bowen, thirty-nine dollars and fifteen cents; William Bowen, thirty three dollars and eighteen cents; C. J. Bowen, twenty-nine dollars and forty-six cents; J. D. Rankin, four dollars and fifty cents; Mrs. S. A. Sharpe, twenty dollars and ninety-one cents; A. Sharp, eighty-three dollars and fifty-eight cents; A. Zadeck, Sr., seventy-five dollars; Alfred B. Smith, six dollars; C. F. McGuire, seven dollars and twenty cents; W. W. Orr, one hundred and two dollars; F. Hassor & Co., twelve dollars; H. J. Howell, thirty-three dollars; J. S. Burney, Sr., one hundred and fourteen dollars and thirty cents; W. H. McClellant, six dollars; Iglehart & Leonard, twenty-two dollars and fifty cents; Charles Kreter, five dollars; E. Parr, five dollars and forty cents; J. M. Love, two hundred and eighty-five dollars and five cents; M. N. Frank, six dollars; Burck & Mason, nine dollars; R. S. Lumpkin, nine dollars; S. B. Anglin (Parker House), thirty dollars; A. A. Burck, fifteen dollars; G. Rintleman, seven dollars and fifty cents; Z. H. Faulkenburg, six dollars and fifty-seven cents; C. G. Andrews, eight dollars and twenty-five cents; John Fogarty, ninety-six dollars; J. P. Alford, twenty dollars and seventy-six cents; M. C. Rogers, fifteen dollars; W. S. Sykes, nine dollars and thirty cents; Wm. Simes, three dollars and forty-eight cents; Wiley Simes, ten dollars; E. Sommers, ninety dollars; R. H. Swaine, five dollars and seven cents; R. W. Swaine, thirty-seven dollars and sixty-two- cents; C. Jacobs, forty-five dollars; R. W. Donnell, nine dollars and fifty cents; Lee Mix & Co., one hundred and fifty-nine dollars and nine cents;

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W. G. Randle & Co., three hundred dollars; J. P. Filkein, thirty dollars; Cerf Bros., two hundred and forty-nine dollars; Aldrich & Allen, two hundred and eighty-six dollars; J. F. Lewis, thirty-nine dollars; J. M. Lindsay, one hundred and five dollars; H. C. Hoskins & Co., one hundred and twenty-nine dollars and seventy-five cents; J. Huey, one hundred and eighty dollars; W. H. Rogers, one hundred and twenty-three dollars and sixty cents; F. F. Collins, one hundred and fifty dollars; B. Haber, ninety dollars; Abe Schwartz, one hundred and fifty dollars; H. A. McDonald, one hundred and eighty-four dollars and fifty cents; M. C. Stallworth, eleven dollars and ten cents; Welsh & Davis, twenty-four dollars; J. C. Welsh, eighteen dollars; J. J. Lewis, eighty-seven dollars; Ben Ursey, twenty-four dollars and sixty cents; Martha Johnson, twenty-two dollars and fifty cents; William Wright, fifteen dollars; N. H. Jackson, forty-five dollars and sixty cents; B. Sherlin, three dollars; Jacob Shroendiman, five dollars and five cents; C. H. Greer, fifteen dollars; Steagall & Co., sixty-seven dollars and ninety-two cents; H. Steagall, twenty-two dollars and fifty cents; F. W. Caruthers, thirty-one dollars and seventy-five cents; Block and King, six dollars; August Fouche, six dollars; F. Figaus, twelve dollars; Charles Turner, twelve dollars and thirty cents; R. Allen, thirty-three dollars; Botts Bros., sixty-seven dollars and ten cents; G. W. Franklin, thirty-three dollars; S. H. Mulkey, one hundred and nine dollars and twenty-five cents; W. B. Stockdon, seventeen dollars and fifty cents; T. L. Dobbs, one dollar and five cents; J. W. Littlefield & Co., twelve dollars and fifty cents; W. D. McGonagil, three dollars and ninety cents; W. H. Smith, eight dollars and twenty-five cents; G. P. French & Co., one hundred and thirty-five dollars; C. W. Herod, three dollars and eighteen cents; William Briscoe, seven dollars and eighty cents; Thomas Briscoe, three dollars; N. W. Alford, ninety-eight dollars and thirty-four cents; J. L. Alford, fifty-eight dollars and thirty-five cents; F. M. Jackson, fifteen dollars and sixty cents; J. W. Jackson, two hundred and four dollars; Thomas Vincent, twenty-three dollars and forty cents; T. F. Waller, one hundred and fifty-four dollars; C. S. Bowden, twenty-two [dollars] and eighty cents; Mrs. N. C. Biggs, two hundred and eleven

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dollars and ninety-five cents; W. A. J. Biggs, nine dollars; M. C. Raine, thirty-three dollars and ninety cents; J. H. M. Bay, Sr., sixty-six dollars; R. Wesley, ten dollars; W. J. Wesley, thirty dollars; J. W. Oaks, five dollars; J. M. Oaks, five dollars; J. C. Oaks, forty-seven dollars and twenty-two cents; G. A. Operay, one dollar and fifty-eight cents; L. R. Persons, twenty dollars; Channel Persons, nine dollars and three cents; A. Pelton, five dollars; J. T. Plumner, one dollar and thirty cents; J. W. Reeves, forty dollars; W. J. Reeves, sixty-nine dollars and fifty cents; Rambo & Glass, seventy-three dollars; A. J. Rogers, thirty dollars; M. C. Fuller, two dollars and sixty cents; B. Galbreth, twenty-four dollars and fourteen cents; Thomas Germany, twenty-eight [dollars] and fifty cents; J. F. Glass, twenty dollars; F. T. Hansley, three dollars; J. R. Hardeson, seven dollars and ninety cents; A. M. Swain, one dollar and fifty cents; J. B. Stephens, twenty-nine dollars and thirty cents; B. C. Stephens, four dollars and eighty-eight cents; T. Self, eight dollars and sixty-five cents; W. S. Tucker, ten dollars; J. Sharp, sixteen dollars; J. C. Wayland, seventy-two dollars; W. C. Wayland, five dollars and fifty cents; H. G. Barber, one dollar and fifty cents; R. W. Bramlette, three dollars; H. Botly, sixteen dollars and twenty-seven cents; M. W. Bates, two dollars and eleven cents; T. Chilcoth, one dollar and eighty-seven cents; W. F. Craig, seventeen dollars and four cents; J. Corbin, four dollars and seventy-five cents; W. T. Chase, two dollars and sixty cents; Wm. Carroll, one dollar and fifty-eight cents; V. A. Duncan, seven dollars, J. C. Furgerson, ten dollars; H. A. Boyd, one hundred and seventeen dollars and eighteen cents; A. Berry, one hundred and forty-eight dollars and fourty-four cents; John Boyd, three hundred and twenty dollars and ninety-one cents; W. P. Brown, fourteen dollars and ten cents; T. Bennett, thirty-nine dollars and sixty cents; J. T. Bennett, one hundred and fifty-three dollars and sixty-three cents; Thomas Bolton, one dollar and eighty-five cents; W. A. Brown, four dollars and eighty-eight cents; B. S. Coody, sixty-eight dollars and thirty-four cents; S. B. Campbell, one hundred and one dollars and forty cents; A. F. Carrons, forty-one dollars and thirty-seven cents; J. M. Cook, one hundred and sixty-four dollars and ten cents; R. N. Coody, three dollars and thirty

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cents; Isaac Durst, forty-six dollars and twenty-nine cents; J. M. T. Evans, four dollars and fifty cents; W. O. Farrington, thirty dollars; R. G. Fair, twenty-five dollars and fifty cents; Ferris & Lippord, seventy-five dollars; C. J. Hancock, thirty-three dollars and sixty cents; L. R. Hancock, twenty-seven dollars; Mrs. P. Henderson, fifty-two dollars and sixty-eight cents; James Hendricks, three dollars and forty-five cents; William Hancock, thirty-five dollars and thirty-four cents; M. S. House, six dollars; M. D. Hopkins, six dollars; John R. Henry, six hundred and seventy-one dollars and ten cents; L. R. Hancock, six dollars; J. B. & B. R. Tyus, two hundred and fifty-two dollars and seventy five cents; J. Nelvill, fifty-one dollars and two cents; Tyus & Co., two hundred and ninety-one dollars; J. H. Wright, one hundred and one dollars and forty-nine cents; J. E. Wood, forty-four dollars and seventy cents; J. R. Wood, seventy-five dollars and twenty-four cents; George Wood, thirty dollars and fifty-six cents; Joseph Wood, thirty-two dollars and fifty-four cents; W. R. Wolverton, fifty-six dollars and three cents; John Wolverton, sixty-eight dollars and thirty-four cents; Mack Wolverton, one hundred and seventy-two dollars and forty-four cents; T. W. Wells, thirty-seven dollars and sixty-eight cents; S. S. Walker, ninety-five dollars and thirty seven cents; J. S. Caruthers, one hundred dollars; L. Daniels, four dollars and fifty cents; Joseph Lindley, one hundred and eighteen dollars and sixty-four cents; S. T. Lindlay, thirty-three dollars and two cents; James Lindlay, one hundred and fifteen dollars and twenty cents; S. J. Foster, forty-nine dollars and fifty cents; W. H. Powell, fifty-three dollars and eighty-eight cents; L. B. Prendergast, seventy-six dollars and sixty-six cents; Stephens & Brown, three hundred and ninety-nine dollars and thirty-nine cents; J. W. Stephens, sixty-six dollars and ninety-three cents; S. K. Scruggs, twenty dollars and twenty-five cents; A. Steele, fifty dollars; L. A. Stroud, five hundred and forty-one dollars; E. M. Gentry, one hundred and five dollars and ninety cents; Jo. Hofley, four dollars and fifty cents; W. S. Mosely, six dollars; Whitney Rogers, sixty dollars and sixty cents; R. A. Williams, five dollars and twenty-five cents; Peter F. Jones, twelve dollars and fifty-four cents; W. W. Thurmond, ten dollars and sixty-five cents; D. Burns, forty-

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seven dollars and seventy cents; C. L. & Garbor Glassford, forty-nine dollars and five cents; A. W. McDaniel, thirty-one dollars and fifty cents; W. S. Watts, twenty-eight dollars and twenty-six cents; D. C. Glassford, seven dollars and seventy-four cents; R. L. Johnson, two dollars and fifty-five cents; J. C. Johnson, forty dollars and sixty-five cents; Robert Harper, sixty dollars and forty-five cents; W. F. F. Uspin, one dollar and twenty cents; W. H. Goff, five dollars and thirty-one cents; John Todd, forty-one dollars and fifty-two cents; John Choate, twenty-one dollars and forty-eight cents; L. C. Arlidge, twelve dollars and ninety cents; B. F. Tribb, fifty-one dollars and nineteen cents; E. Z. Kidd, eleven dollars and forty-six cents; A. Markham, one hundred and eighty-six dollars and eighty cents; B. F. Burns, one hundred and forty dollars and twenty cents; W. H. Furgerson, twenty dollars and seventy cents; W. P. Stephenson, twenty-two dollars and twenty-six cents; Y. W. H. & W. H. McKissock, two hundred and eight dollars and three cents; L. C. Erwin, fourteen dollars and eighty-five cents; A. J. Soders, forty dollars; B. F. Hammond, thirty dollars; James Roark, thirty-one dollars and fifty cents; Mrs. M. Roark, thirty dollars; James Armour, eighty-eight dollars and fifty cents; J. W. Strafford, thirty-five dollars and thirty-five cents; B. B. Saunders, fifty dollars; M. W. Kemp, three dollars; John F. Allen, one hundred and thirty-three dollars and ninety-four cents; P. Hawkins, nineteen dollars; G. F. Cotton, one dollar and fifty cents; Radeck Williams, one dollar and twenty cents; Mack Booton, three dollars and sixty cents; Reuben Lynch, five dollars and seven cents; Berry Baker, fifteen dollars and thirty cents; Ephraim Ramsey, four dollars and eighty cents; W. E. Hooper, two dollars and twenty-five cents; W. H. Herring, two dollars and forty cents; O. Justin, thirty-one dollars and ninety-eight cents; Wm. Justin, six dollars and ten cents; J. R. Johnston, forty-four dollars and fifty cents; James Kenedy, ten dollars; W. R. Kenedy, three dollars and fifty cents; T. J. Kennedy, thirteen dollars and fifty cents; W. D. Lawring, twenty dollars and nineteen cents; J. W. Little, thirty-three dollars; B. F. Martin, nine dollars; J. E. Morton, seventeen dollars and twelve cents; R. B. McAlpin, eight dollars and fifty-five cents; Boyd & Campbell, six dol-

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lars and seventy-two cents; C. S. Bates, twenty-two dollars and fifty-five cents; M. C. M. Abbernithy, forty-one dollars and four cents; W. C. Anderson, forty-two dollars and thirty cents; L. Benson, fifty dollars and forty cents; J. W. Hurley, fifty-seven dollars; A. R. T. Holt, thirty-six dollars and forty-five cents; Mrs. M. A. Johnson, thirty-four dollars and thirty-eight cents; B. W. Jackson, one hundred and thirty-three dollars and sixty-five cents; J. G. Jackson, sixty-six dollars and ninety cents; J. F. Jones, sixteen dollars and fifty cents; Kemp & McCain, seventy-one dollars and forty cents; J. J. Kerley, one hundred and twelve dollars and twenty cents; Kerley & Daniels, fifty-four dollars; R. Long, three hundred and twenty-one dollars and ninety cents; Robert Looney, twenty-two dollars and eighty-nine cents; W. P. Looney, four dollars and sixty-two cents; John Miller, thirteen dollars and fifty cents; F. M. McKenzie, forty-three dollars and seventy-seven cents; J. H. McLain, four dollars and fifty cents; L. T. M. Plummer, eighty-six dollars and seventy cents; D. M. Prendergast, three hundred and nineteen dollars and thirty-five cents; J. B. Pollock, thirty-three dollars and ninety cents; H. R. Quinby, one hundred and twenty-eight dollars and fifty cents; Mrs. M. Reynolds, one hundred and thirty-eight dollars; Joseph Ross, thirty-six dollars; H. M. Roberts, fifty-four dollars and fifty-seven cents; E. B. Smith, two hundred and eighty-five dollars; R. Steele, eighty-one dollars; W. P. Stewart, forty-four dollars and thirty-eight cents; Wm. Sykes, twenty-nine dollars and ten cents; T. W. & R. H. Wade, ninety-five dollars and sixty-two cents; T. W. Wade, ninety dollars; — Jonkers, sixty-nine dollars and ninety-two cents; William Phifer, fifteen dollars and sixty cents; H. W. Clark, eight dollars and eighty-five cents; S. H. Carse, nine dollars; M. E. Cobb, one hundred and sixty dollars; W. S. Crowell, seventeen dollars and seventy cents; M. J. Lowry, twenty-seven dollars and twenty-seven cents; David Lynch, four dollars and five cents; M. L. Jackson, thirty-one dollars and fifty cents; W. J. Mosely, seventeen dollars and fifty-five cents; Moreley & Mosely, fifty-one dollars; A. D. Calvin, five dollars and twenty-five cents; E. Brown, sixty-six dollars and fifty-seven cents; J. P. Harper, twenty-eight dollars and eighty-three cents; W. T. Robinson, three dollars; J. W. McDaniel, sixty-

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four dollars and sixty-five cents; M. O. Fergerson, four dollars and fifty-five cents; M. Williams, fifty-four dollars; H. T. Hart, nine dollars and seventy-eight cents; W. R., J. W. & G. G. Howard, sixty dollars and seventy-five cents; A. P. Rogers, thirty-nine dollars and ninety cents; B. F. Ontz, ninety-seven dollars and fifty cents; Mrs. L. Parsons, thirty-one dollars and fifty-nine cents; Webb Kidd, ninety-nine dollars and eighty-one cents; G. W. Young, fifteen dollars and sixty cents; L. J. Erwin, seventy-two dollars and ninety cents; L. J. Erwin, seven dollars and twenty-nine cents; A. F. Moss, one hundred and eighty-three dollars and seventy-nine cents; Nancy J. Moss, sixty-six dollars and sixty cents; M. H. Lowry, eleven dollars and one cent; W. N. Lowry, four dollars and five cents; J. H. Price, sixty-one dollars and twenty cents; H. Bryant, seventy-six dollars and eighty cents; J. A. Hill, three dollars; John M. Clark, forty-two dollars and thirty cents; J. C. Guin, four dollars and eighty cents; A. H. Bradfute, fifty dollars and ninety-nine cents; W. B. Bradfute, two dollars and fifty-eight cents; B. F. Bradfute, eight dollars and twenty-five cents; D. B. Choate, thirty-seven dollars and ninety-three cents; D. O. Choate, three dollars and ninety cents; W. M. Choate, nine dollars and sixty cents; F. M. Durham, thirty-five dollars and eighty-two cents; A. J. Floyd, twelve dollars and thirty cents; C. W. McKinley, thirty-seven dollars and forty-five cents; C. C. Baker, twelve dollars and seventy-five cents; A. J. Soders, sixty-one dollars and twenty-five cents; D. H. Dabney, sixteen dollars and twenty cents; N. E. Dabney, sixty-one dollars and sixty cents; S. A. Cobb, forty-five dollars; A. A. Waddell, twenty dollars and fifty-five cents; R. H. Fowler, twenty-one dollars and fifteen cents; W. P. Hughes, seventy-two dollars and eighty-seven cents; Bryant Herring, twenty-seven dollars and sixty-three cents; D. R. Harrell, two dollars and seventy-three cents; Wm. Williams, thirty-eight dollars and sixty-four cents; D. O. Cain, seven dollars and five cents; T. D. Elliott, sixteen dollars and twenty-three cents; D. G. Hardin, three dollars and seventy-five cents; L. E. Pratt, ten dollars and seventeen cents; James Roberts, one dollar and fifty cents; E. J. Billington, sixty-two dollars and ten cents; Nancy M. Billington, twenty-five dollars and fifty-six cents; J. T. Strother, two dollars and seventy-three cents; Charles

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Darkham, four dollars and fifty cents; G. W. Holliway, thirty-three dollars and eighty-four cents; W. S. Oates, forty-two dollars and sixty cents; Robert Simpson, one dollar and ninety-five cents; H. L. Moses, eighteen dollars and forty-five cents; A. B. Poer, forty-five cents; Cyrus Vandeares, thirty-nine dollars and ninety cents; Dabney & West, one hundred and twenty dollars; D. H. & N. E. Dabney, ninety-three dollars and ninety cents; H. L. Herring, three dollars and fifty-one cents; W. H. McElroy, three dollars; J. R. Herring, three dollars and fifty-one cents; John Archer, one dollar and forty-one cents; K. Lethers, eighteen dollars; D. G. Billington, thirty-eight dollars and forty cents; S. F. Dellis, six dollars and forty-five cents; W. W. Billington, two dollars and thirty cents; P. Kimmel, sixty-five dollars and seventy cents; F. M. Pitts, one hundred and eighty-eight dollars and thirty-one cents; E. Bryan, fifty-nine dollars and sixty-seven cents; E. R. Bryan, sixty-three dollars and fifty-four cents; Mrs. E. P. Graves, fifty-three dollars and seventy-three cents; R. Crist, sixty-two dollars and thirty-seven cents; S. L. J. Chaffin, one hundred and three dollars and fifty-six cents; Daniel Crist, one hundred and eleven dollars and forty-five cents; J. D. Stovall, ninety dollars and sixty cents; G. W. Crist, two hundred and twenty-four dollars and one cent; Mrs. M. A. Hughes, forty-one dollars and fifty-five cents; G. W. Crist (guardian), twenty-one dollars; Stephen Crist, Jr., seventeen dollars and seventy cents; B. F. Wallace, fourteen dollars and ninety-seven cents; G. W. Crist, thirty-two dollars and ninety-four cents; Benjamin Crist, one hundred and eight dollars and eighteen cents; Pitts & Harwell, thirty-six dollars; Solomon Rule, one hundred and eighty-eight dollars and twenty-five cents; H. R. Morris, thirty-two dollars and fifty-eight cents; G. W. Morris, thirty-one dollars and five cents; G. J. Dyer, thirty-nine dollars and sixty-three cents; W. S. Hillyer, six dollars and forty-five cents; Hardy Jones, fifteen dollars and sixty cents; Elizabeth Holloway, one hundred and thirty-eight dollars and three cents; Robert Harvell, seventeen dollars and fifty-five cents; W. A. Davis, eighty-four dollars and ninety-six cents; H. Clark, ninety-five dollars and twenty-two cents; W. R. Schead, ninety-nine dollars and forty-two cents; A. B. Wiley, thirty-one dollars and ninety-two cents;

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C. B. Schead, eighty dollars and thirty-four cents; W. H. Delong, fifty-three dollars and sixteen cents; Jackson Albright, nine dollars and ninety-six cents; J. C. Costa, forty-nine dollars and seventy-one cents; V. S. Costa, fifty-seven dollars and twenty-seven cents; S. S. Rawls, sixty dollars and three cents; George Bennett, thirty-two dollars and eighty-five cents; G. F. Parker, fifty-seven dollars and fifteen cents; Joseph Singletary, three dollars and ninety-six cents; R. P. Ward, seventy-three dollars and fifty-nine cents; S. B. Brewer, thirty-two dollars and ten cents; Scott Hamilton, three dollars and fifteen cents; N. Z. Lacey, one hundred and sixty-three dollars and thirty-eight cents; A. L. Steele, twenty-three dollars and twenty-eight cents; which certificates so issued shall be receivable in payment of State taxes, and may be transferred by endorsement.

Sec. 2. And be it further enacted, That the like warrants issue to the citizens of Walker county who were assessed and had collected of them the amounts hereinafter specified, by reason of martial law having been declared and enforced in said Walker county during the year 1871—said citizens and said amounts being as follows: J. F. Kelly, two hundred and ninety-six dollars and eighty cents; H. M. Gant, six hundred dollars and thirty-one cents; M. Butler, four hundred and six dollars and sixty-eight cents; W. H. Webb, one thousand and sixty-two dollars and seventy-nine cents; L. A. Cox, four hundred and seventy-eight dollars and forty-three cents; R. M. Bankhead, seventy-four dollars and seventy cents; J. A. Cabiness, eighteen dollars; W. Whitley, two hundred and seventy-six dollars and forty-one cents; C. Briffirld, ten dollars; Sam Wilson, one hundred dollars; G. Luff, one hundred dollars; C. Hess, two hundred and fifty dollars; J. Ganett, one hundred dollars; Thomas Walker, one hundred dollars.

Sec. 3. Be it further enacted, That said certificates, when issued, as provided for in the preceding sections of this act, shall be by the Comptroller placed in the hands of the county treasurers of said Limestone and Walker counties, for delivery to the parties entitled thereto, upon their filing with the Comptroller their receipt therefor; provided, the Comptroller shall not, in the meantime, have delivered the same to the parties entitled thereto.

Sec. 4. Be it further enacted, That before said war-

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rants shall be delivered, the persons to whom the same is issued shall take and subscribe the following oath before some officer authorized to administer oaths: I, ..., do swear (or affirm) that I did no illegal act, nor incited any other person to do any illegal act, which caused the declaration of martial law in the county of Limestone (or Walker, as the case may be), nor did I do, say or write anything for the purpose of procuring martial law in said county.

Sec. 5. This act shall take effect and be in force from and after its passage.

Passed May 30, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.

CHAPTER CCXXXIV

An Act to authorize the County Court of Hays County to issue Bonds for the purpose of funding the indebtedness of said County, and to provide for their payment.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Hays county is authorized to issue, from time to time, interest-bearing and coupon bonds, for such sums, and in such amounts, and payable at such times as said court may see proper; provided, that the bonds hereby authorized shall be issued only for the purpose of funding the present outstanding indebtedness of said county, of every character whatsoever, due and to become due.

Sec. 2. Said county shall, at the time such bonds are ordered to be issued, provide for the payment of the interest on said bonds, and a sinking fund to meet the principal, and for that purpose may levy an ad valorem tax

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not exceeding one-eighth of one per cent. annually upon all property situated in said county, and subject to taxation by the state.

Sec. 3. When said bonds are issued, they shall be signed by the presiding justice, and countersigned by the clerk of said court.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Passed May 30, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXXXV.

An Act to authorize T. C. Jordan to purchase One Hundred and Sixty (160) Acres of Land situate in the County of Hood, being a part of the land surveyed for the County of Milam for the purposes of Education.

Whereas, Charles E. Burnard did, at a very early period, locate one hundred and sixty (160) acres of land, situate in Hood county, believing the same to be vacant, and did file a certificate thereon, and built thereon a large grist mill at much expense, which conduced much to enhance the value of the lands in the vicinity; and, after the construction of said mills, said land was found to be a part of the land surveyed for the county of Milam for educational purposes; and after the discovery of his mistake, the county of Milam, by its chief justice, and by other means, assented to said Burnard's continuing in possession, and agreed that his right to the land should be always recognized; and

Whereas, T. C. Jordan has purchased of said Burnard his right in said land and mills, and has made further valuable improvements and additions to said mills, and thereby further promoted settlements in the vicinity and

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enhanced the value of said lands to [so] set apart for educational purposes, and the rights of said T. C. Jordan have been recognized by the county of Milam; now, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That T. C. Jordan be and is hereby authorized to purchase of the state of Texas the following described land, situate, lying and being in the county of Hood, being a part of the lands located and surveyed for the county of Milam for educational purposes: Beginning at Rock Mound, from which a live oak marked X bears N. 40° E. 3 varas, the same on the south bank of Poluxy line of J. A. Hernandez survey; thence N. 60° E. 390 varas to Montgomery branch, in all 950 varas; thence N. 30° W. at 460, Poluxy, in all 950 varas, to rock mound; thence S. 60° W. 950 varas to mound; thence S. 30° E. recrossing Poluxy to the beginning, containing one hundred and sixty acres (160) more or less.

Sec. 2. That upon the presentation of the receipt of the Treasurer of the State for the sum of four hundred and eighty dollars, being at the rate of three dollars per acre for said land, to the Commissioner of the General Land Office, said Commissioner is required to issue a patent to said T. C. Jordan, for the said land; provided, nothing in this act shall be so construed as to affect the rights of any other person in and to said lands.

Sec. 3. That said sum of four hundred and eighty dollars shall be kept and held by said Treasurer as a part of the public school fund.

Sec. 4. That this act be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCXXXVI.

An Act to locate the County Seat of Trinity County.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter the county seat of Trinity county, until otherwise provided by law, shall be located and established at the town of Trinity, in said county, and the district and county court of said county shall be held at said town.

Sec. 2. The county court of said county shall provide a suitable house in said town, in which said courts may be held, and the district clerk to keep his office, and also take up the records of the county.

Sec. 3. That this act to be in force from and after its passage.

Approved May 30th, 1873.

CHAPTER CCXXXVII.

An Act incorporating the Town of Willis, in Montgomery County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Willis, in the county of Montgomery, be and they are hereby constituted and declared a body politic and corporate, under the name and style of "The Town of Willis"; and by and under that name may sue and be sued, plead and be impleaded in all the courts of this State, and may acquire, hold and dispose of property, real, personal and mixed; provided, such real property shall be situated within the limits of said corporation.

Sec. 2. That the limits and extent of said town corporate shall be one mile square, and that the center of Montgomery street, opposite the centers of blocks twenty-one and twnty-two, shall be the center of said corporation.

Sec. 3. That J. S. Thomason, J. E. George, J. N. Jordan, Hiram Little and R. Bass, be and they are hereby appointed commissioners to lay off and establish the limits and boundaries of said town, and make a plat of

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the same, defining and showing the limits and boundaries of said town, with the land marks, bearing trees, etc., and courses, and distances, and also stating at what variation of degrees from the true north course said town lines are established; which said plat shall be duly certified by the county surveyor to be correct and true, and the same shall be thereafter acknowledged and proved by said county surveyor before some proper officer, and be thereupon recorded in the office of the clerk of the district court of Montgomery county as the true and established plat and boundaries, etc., of said town of Willis.

Sec. 4. That all persons who are qualified voters under the Constitution of this State, and who have been citizens of said town six months next preceding an election, shall be authorized to vote for officers of said corporation.

Sec. 5. That at the next general election for state and county officers there shall be elected, by the qualified voters of said town, one mayor, one constable, five aldermen and one attorney, who shall hold their offices for the term of one year, and until their successors be elected and qualified. The other officers of said town shall consist of a secretary and treasurer, to be selected by the aldermen from their own number, and such other inferior officers as the board of aldermen may from time to time appoint, who shall hold their offices until the next election for town officers succeeding their election or appointment, unless sooner removed by the board of aldermen.

Sec. 6. That in all elections held under the provisions of this act, a quorum of the board of aldermen, with the mayor, shall give at least ten days notice of each election, by publication of same through posters or otherwise, and shall appoint three judges of election, who shall take an oath faithfully and impartially to discharge their duties. They shall open the polls at nine o'clock A. M., and close at four o'clock P. M., on the day of election, with one hour interval between twelve o'clock M. and one o'clock P. M., and shall within twenty-four hours thereafter make returns of said election to the mayor, or in case of his absence or inability to act, or of a vacancy in his office, then the aldermen, in the presence of the judges of election, shall open the returns and declare the result, and shall immediately issue certificates thereof to the persons elected.

Sec. 7. That when an election for mayor shall be con-

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tested, then the board of aldermen shall determine such contest.

Sec. 8. That in case of a vacancy of the office of mayor, the board of aldermen shall order an election to fill such vacancy; such election shall be held as provided in this act for general elections, and pending said election the board of aldermen shall appoint one of their number to act as mayor pro tem.; and in case of a vacancy in the office of aldermen, such vacancy shall be filled at a regular meeting of the board of aldermen, by a vote of two-thirds of the aldermen, and the person so elected shall hold his office for the unexpired term.

Sec. 9. That in case of the temporary absence of the mayor, the board of aldermen shall have power to appoint one of their own number to act for the time being as mayor elect, and such appointment shall expire on the return of the mayor.

Sec. 10. That the commissioners apointed by section three of this act shall, immediately after making the survey of said town, as therein provided, appoint and order an election, giving ten days notice thereof, for one mayor, one constable, five aldermen, and one attorney, for said town, who shall hold their offices under the provisions of this act until the next general election for State and county officers; and said commissioners shall hold said election, and declare the result, and issue to the persons elected certificates thereof, whereupon the duties of said commissioners shall be complete.

Sec. 11. That the mayor, when present, shall preside over the board of aldermen, and in case of a tie shall give the casting vote; provided, that four of the aldermen, with the mayor, shall constitute a quorum to transact business, except when levying taxes.

Sec. 12. That the mayor and a full board of aldermen shall have power to enact such rules and regulations and ordinances for the government of said town, and for the quiet, peace and happiness of the citizens thereof, not inconsistent with the Constitution and laws of this State, as may be deemed proper, and may impose fines and penalties for the violation of the same, not to exced one hundred dollars in any one case, or imprisonment not exceeding three months.

Sec. 13. That the mayor and board of aldermen shall have and exercise control over the streets, sidewalks,

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roads, and all public places and open spaces in said town.

Sec. 14. That the mayor and full board of aldermen shall have power to levy and provide for the collection of an ad valorem tax upon all property situated in said town, and taxable by the laws of said State, and also power to levy and collect a poll tax, not to exceed one half-dollar, on all male persons of said corporation over the age of twenty-one and under sixty; provided, said ad valorem tax shall not exceed one-fourth of one per cent. for any one year.

Sec. 15. That the constable shall be ex officio assessor and collector of taxes for said town.

Sec. 16. That the mayor and board of aldermen shall have power to license, tax, and regulate hawkers, peddlers, auctioneers, theatrical and other exhibitions, shows, billiard tables, nine and ten pin alleys, groceries, bar rooms, tippling houses and dram shops, and to determine the amount of tax on the same, and shall have power to impose and collect an occupation tax upon all occupations taxed by any general law or laws of this State, not to exceed one-half of the amount of the State tax allowed by law for any one year; and shall have power, and it is hereby made their duty to suppress all gambling and gambling houses, and all disorderly houses of every description.

Sec. 17. That all officers of said town shall, before entering upon the duties of their offices, take and subscribe the oath prescribed by the Constitution of this State; and the mayor, constable, treasurer, and attorney, shall each give bond, with good and sufficient securities, to be approved by the board of aldermen, in such sum as they may direct, conditioned for the faithful performance of their duties; which bond shall be made payable to the town of Willis, and shall not be void on the first recovery.

Sec. 18. That the board of aldermen shall regulate the fees of all officers; provided, the fees of the attorney shall not be less than three dollars for each and every conviction, to be taxed in the bill of costs against the accused; and provided further, that the treasurer shall not be allowed more than five per centum upon all sums of money received and paid out by him.

Sec. 19. That the constable, treasurer, and attorney of

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said corporation may be removed from office for neglect of duty, misdemeanor or malfeasance in office, by a vote of two-thirds of the aldermen, at any regular meeting of the board; and it shall be the duty of the district judge, whenever complaint is made to him under oath, by any person or persons accusing the mayor, or any member of the board of aldermen, of malfeasance, nonfeasance, or neglect of duty in office, immediately to examine into the truth of the charges, and if true, he shall remove such person or persons from office at once.

Sec. 20. That the said board may, at any time that they may deem it useful, submit any measure, by-law, enactment, provision, or regulation that they (or it) may deem proper, to the interest and well-being of said town, and the citizens and property holders, to a vote of the citizens having a right to vote in said town; and if a majority of two-thirds of said voters shall vote in the affirmative, then the same shall stand, and be of full legal force and effect, if not contrary to the laws of Congress, nor the Constitution and laws of this State, until repealed by said board or determined by its own limitation.

Sec. 21. That the books and records of this incorporation shall at all reasonable times be opened to the examination of any citizen of said town, or property holder therein, desiring same.

Sec. 22. That the bonds of the constable, treasurer, attorney, and other bonded officers, if any, of said corporation, shall be recorded in the office of the district clerk of Montgomery county, immediately upon its approval by the board of aldermen.

Sec. 23. That this act take effect from and after its passage.

Approved May 30th, 1873.

CHAPTER CCXXXVIII.

An Act to incorporate the Burleson Male and Female Academy, in Bastrop County.

Section 1. Be it enacted by the Legislature of the State of Texas, That John S. Smith, C. W. Brooks, Thomas H. Gatlin, W. P. Miles, James Newton, Ed.

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Tisdale and L. C. Cunningham, be and they are hereby constituted a body corporate and politic, for educational purposes, by the name and style of the "Burleson Male and Female Academy;" by which name they may sue and be sued, plead and be impleaded; buy and sell property, real, personal and mixed, and may have a seal to authenticate their acts, for the purpose of maintaining an institution of learning near Elgin, in Bastrop county.

Sec. 2. That the above named persons may establish a course of studies, grant diplomas or certificates of scholarship, employ and discharge teachers, have succession, and do all other things necessary and incident to the maintenance and promotion of good morals and sound learning, not inconsistent with the Constitution and laws of the United States or of this State.

Sec. 3. That it shall be unlawful for any person or persons to dispose of any intoxicating liquors, by sale or otherwise, except for medicinal or sacramental purposes, within three-quarters of a mile of the "Burleson Male and Female Academy;" and that any person or persons violating the provisions of this section shall, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not less than twenty-five nor more than one hundred dollars for each and every offense.

Sec. 4. That no provison of this act shall be so construed as to authorize the sale, disposition or incumbrance of the tract of land upon which the Burleson Male and Female Academy is situate, contrary to the intention of the donor thereof.

Sec. 5. That this act shall take effect and be in force from sixty days after its passage.

Approved May 30th, 1873.

CHAPTER CCXXXIX.

An Act amendatory of "An Act to incorporate the Galveston Agricultural, Horticultural and Industrial Association."

Section 1. Be it enacted by the Legislature of the State of Texas, That the act entitled, "An act to incorporate the Galveston Agricultural, Horticultural and Industrial Association," approved May 31st, 1871, be and

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the same is hereby amended as follows: That the directors of said association, for the purpose of improving its fair grounds and constructing buildings thereon, are hereby empowered to borrow money on the credit of the association, and to issue bonds therefor, to be payable, with interest, at dates not to exceed twenty years from that of the issuance thereof. That to insure the payment of all capital vested in such property, so that each person or interest may possess the same rights and equities, said directors are required, in case of such issue of bonds, to include therein an amount equal to the whole of the actually paid up stock of said association, and to redeem all such capital stock at par, in bonds of like date and terms, whenever required so to do by any holder of such stock; upon which the said directors are authorized to create a lien by mortgage or trust on the property of the association to insure the payment of all of such bonds according to the terms thereof.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved May 30th, 1873.

CHAPTER CCXL.

An Act to incorporate the Town of Honey Grove, in the county of Fannin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Honey Grove, in the county of Fannin, be and they are hereby declared a body corporate and politic; and under the style of the "Town of Honey Grove" may sue and be sued, plead and be impleaded in all courts and suits whatever, and may purchase, hold and convey any real or personal estate within the corporate limits of said town, and may have a corporate seal.

Sec. 2. That the limits of said town corporation shall extend as follows, to wit: beginning at a stake three-fourths of a mile east of the center of the public square in the said town of Honey Grove; thence south three-fourths of a mile; thence west one and a half miles; thence north one and a half miles; thence east one and a

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half miles; thence south three-fourths of a mile to beginning; and to be divided into four wards, commencing at the center of said public square, and to be laid off parallel to the streets of said town.

Sec. 3. It shall be the duty of the citizens to elect a mayor and five aldermen, and a marshal, who shall hold their offices for two years, and until their successors are elected and duly qualified; and no office of the town shall be deemed a lucrative State office. The first election for said officers shall be held at the same time of the next general election, and every two years thereafter. No person shall be a qualified voter in the corporation unless he be a qualified voter in the State, and shall have resided in the corporation six months preceding the time of election; and no person shall be eligible to office in said corporation unless he be a qualified voter therein.

Sec. 4. The mayor and aldermen shall compose the town council, any four of whom shall constitute a quorum for the transaction of business. Said council shall have power to pass such rules and regulations, ordinances and laws, as may be necessary for the regulation of the police and the preservation of the peace, order and quiet within the limits of said corporation; and shall have power to pass such sanitary rules, regulations and ordinances, as may be necessary for public health and safety; and to impose such punishment, both by fine and imprisonment, as may be necessary to enforce the proper observance of the same; provided, however, that no fine shall exceed one hundred dollars, nor imprisonment for a longer period than fifteen days; and further provided, that in all cases where the fine is not paid by the party, he shall be required to work it out upon the streets and highways in said corporation, at such rates, and under such rules and regulations, as may be adopted by the council.

Sec. 5. Said council shall have power to impose a direct property and license tax upon all such persons, property, and employments, as are liable to taxation under the laws and Constitution of this State, and to enforce the collection of the same, under such rules and regulations as may be adopted by said council; provided, that no property tax shall exceed, for any one year, one-fourth of one per cent. of the value of said property; nor shall any license tax exceed two hundred dollars; and provided furthermore, that no tax shall be levied by said council

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upon any real or personal property that may be owned, occupied or used exclusively for church, educational or charitable purposes.

Sec. 6. Said council shall have exclusive control and supervision over all streets, sidewalks, alleys, and highways, within the corporate limits of said town; and they shall have power to adopt and enforce any regulations for the purpose of abating or removing any nuisance of a public or private character; and they shall cause to be raised, by taxation, a sufficient amount of money as may be necessary to improve and keep in good repair, the streets, sidewalks, alleys and highways of said town; and all road tax the citizens within the limits may be required to pay under and by virtue of any general law of the Legislature, shall, and the same is hereby required to be paid by the collector of taxes into the treasury of said corporation, to be by said council appropriated to the improving and repairing said streets and highways.

Sec. 7. The council shall, at their first regular meeting, elect one of their number as treasurer, who shall, before he enters upon the discharge of his duties, take and subscribe the oath of office prescribed by the Constitution of this State, and give bond, with surety, to said corporation for the faithful discharge of his duties, in such sum as may be required by said council, and shall receive such pay for his services as may be allowed him by said council. And the council shall choose one of their number to act as secretary for said council.

Sec. 8. The marshal shall, before entering upon the discharge of the duties of his office, take and subscribe the oath of office prescribed by the Constitution of this State, and give bond and security to said council for the faithful discharge of his duties, in such sum as may be designated by said council; and it shall be his duty to execute all process issued to him by the mayor; suppress all riots and disorderly assemblies; make all arrests, with or without warrant, of persons, for violation of any of the corporate laws. He shall have power to call to his aid the citizens within the limits of the corporation; and he shall receive such fees for his services as are prescribed by law for constables for similar services. He shall, by virtue of his office, be the assessor and collector of taxes for said corporation, and for such services shall receive such fees as are fixed by said council.

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Sec. 9. The mayor shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the Constitution of this State, and give bond and security to the corporation for the faithful performance of his duties, in such sum as may be determined by the council; and he is hereby vested with all the power and jurisdiction within the limits of said corporation for the trial of all causes which may by law be exercised by justices of the peace under the laws of the State; and he shall have jurisdiction to try and determine all infractions or violations of the laws of the corporation, under such rules as may be prescribed by the council. He shall have power to issue such warrants and process as may be necessary to enforce his jurisdiction, and he shall be entitled to the same fees that are allowed justices of the peace for similar services.

Sec. 10. The Governor shall appoint a mayor, aldermen and marshal of said corporation, who shall hold their offices respectively until the next general election; and it shall be the duty of the said mayor and marshal to give ten days' notice before the next general election for the election of officers for said corporation; and it shall be the duty of the mayor and marshal to cause an election to be held every two years thereafter, giving notice at least ten days before the time of holding said election; and it shall be the duty of the officers elected at said election to qualify within ten days thereafter, as herein provided for, and enter upon the discharge of their duties. And should the mayor and marshal fail or refuse to order such election, then any five citizens of said corporation may order and hold said election, after giving five days' notice. And the mayor shall have power to order elections to fill vacancies that may occur by reason of death, resignation or otherwise.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved May 30th, 1873.

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CHAPTER CCXLI.

An Act for the relief of Luke G. Lea.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be and he is hereby authorized and required to audit and allow the claim of Luke G. Lea, for services as district attorney of the Third Judicial District, from the third day of May, 1866, to the sixteenth day of August, 1866, and that the sum of two hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys of the treasury not otherwise appropriated, to meet the payment of the said claim.

Section 2. That this act take effect and be in force from and after its passage.

Approved May 30th, 1873.

CHAPTER CCXLII.

An Act to amend "An Act incorporating the Houston and San Jacinto Canal and Navigation Company," approved August 13th, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, that the act entitled "An act to incorporate the Houston and San Jacinto Canal and Navigation Company," approved August 13th, 1870, be and the same is hereby amended to read as follows: That section one be amended to read, after the enacting clause, "That J. R. Morris, Alexander McGowan, and their associates, be and are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation hereby created, to be styled the 'Houston, Trinity and Sabine Canal and Navigation Company.'" That section four, which reads as follows: "The subscribers to the capital stock of this company are hereby created and established a body corporate and politic, under the name and style of the Houston and San Jacinto Canal and Navigation Company: with capacity to contract; to sue and be sued; to plead and be impleaded; to have

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succession and a common seal; to grant and receive; to make by-laws, and generally to do and perform all things necessary and proper to maintain their rights under this act;" be amended by striking out the words, "Houston, San Jacinto Canal and Navigation Company," and inserting in lieu thereof the words, "Houston, Trinity and Sabine Canal and Navigation Company." That section eight be amended to read: That said company, when duly organized, shall be and is hereby invested with the right of locating, excavating, constructing, owning, operating and maintaining a canal, commencing at or near White Oak or Buffalo Bayou, in the city of Houston, and running northeasterly, crossing the San Jacinto, Trinity, Neches and Angelina rivers, and terminating on the Sabine river, in Panola or Shelby county, with the privilege of erecting such dams, locks, tramways, water wears, and creating such slack water navigation as may be deemed to the interest of the company and the successful maintenance and operation of said canal.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved May 30th, 1873.

CHAPTER CCXLIII.

An Act to incorporate the Austin and Pacific Short Line Railroad Company.

Section 1. Be it enacted by the Legislature of [the State of] Texas, That Samuel P. Willis, George White, J. B. Bowman, W. F. Smith, W. C. Hite, A. O. Braiman, James Crutcher, F. W. Chandler, W. G. Thomas, James Ford, Dudley Sceance, John Phelps, Jos. N. Vaughn, their associates, successors and assigns, be and are hereby constituted and appointed a body politic and corporate, under the name and style of the "Austin and Pacific Short Line Railroad Company;" and as such shall have succession for sixty years, and a common seal; shall have power to sue and be sued, plead and to be impleaded; receive grants, gifts and donations, buy, hold, sell and convey property, real, personal and mixed; make by-

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laws, rules and regulations for their general government, and generally do all things and acts necessary to its interest, and not unlawful.

Sec. 2. The persons named in the first section of this act shall constitute the first board of directors, and shall hold their office for one year, or until their successors have been elected and qualified; a majority of them shall be a quorum, and their first meeting shall be held at such time and place as they may deem proper; and after a call published thirty days in two newspapers of the State of Texas, signed by a majority of said board, when they may organize for business; appoint time and place for opening subscription books; fix the number of shares, and amount of each; the amount of per cent. to be paid in on each share; and when the whole stock has been subscribed, and the per centum paid in, call a meeting of the stockholders for permanent organization, by thirty days publication in three newspapers in the State of Texas. And the capital stock of said company shall be two hundred thousand dollars, with authority to raise it to fifteen million dollars; and the organization of said company shall be completed within eight months after the passage of this act.

Sec. 3. Said company is hereby authorized and empowered to own, construct, maintain, equip and operate a continuous line of railroad and telegraph, together with all the rights and appurtenances thereto belonging, or in any way incident or appertaining, commencing at the city of Austin, and running across the State of Texas to some point on the Texas Pacific Railroad, between the one-hundrdth and the one-hundredth-and-seventh degrees of longitude, deemed most practicable by said company after making its surveys. The object of said company being to establish a continuous line of railroad from New Orleans, and the seaboard of the Southern States, to the Pacific coast. They may make such connections with any other road or roads as they may, by agreement with them, be able to do.

Sec. 4. Said company shall have the right of way over the State of Texas on their line, and over any lands by whomsoever owned, subject to the general law of the State governing such cases, for a width of two hundred feet, and the usual depots, turn outs, machine shops, &c., and the usual rights of railroads to cross other roads,

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streams, &c.; and shall commence the construction of their said road at any point on said line, which they may deem most advisable, within one year after the said permanent organization of said company has been completed; and shall complete and put in running order twenty miles of said road within one year thereafter, and twenty-five miles each succeeding year, until said line of road shall be completed; and on failure to do so, said company shall forfeit all benefits under this charter, except upon completed road.

Sec. 5. The State of Texas hereby donates and grants to the said company, out of any unlocated public lands of the State, sixteen sections of land, of six hundred and forty acres each, for each and every mile of railroad constructed and put in substantial running order by them; and whenever any section of ten miles of said road has been completed the said company, through its president or secretary, may give notice of the same to the Governor of this State, in writing, whose duty it shall be, on the receipt of such notice, to order the State engineer, if there be any, or if not, to appoint a skillful engineer to examine said section of said road, and report under oath; and if said section of ten miles of said road be found to be constructed and in running order in a substantial manner, then the Governor shall certify the same to the Commissioner of the General Land Office, and he shall issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of road so constructed and put in running order, and in like manner with each and every succeeding section of ten miles of said road until the whole has been completed. All the certificates issued, as above, to said company, shall be located by them in alternate sections; that is to say, for every sixteen sections located by said company for its own use, said company shall locate also at the same time other sixteen sections of land for the State, and return the field notes and maps of the whole thirty-two sections to the Commissioner of the General Land Office, who shall number said sections so surveyed, and issue patents to said company for the sections numbered in odd numbers, reserving the even numbers for the school fund. And said company shall alienate their said lands, acquired under the provisions of this act, except so much thereof as may be necessary for the uses and successful operation of their

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said [road] as follows: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and one-fourth in twenty years from the passage of this charter; provided, said company shall not alienate or sell said lands to any other corporation, nor to any person or firm in trust for said company, nor to any firm or corporation of which any officer or stockholder of said company is a member. And on failure to comply with the provisions of this section, or on violation of the same, said company shall forfeit all benefits under this charter; provided further, that the State shall in no case be liable for a deficiency of public domain, and no land certificate issued under the provisions of this act, which may not be located because of the previous exhaustion of the public domain, shall ever constitute any claim against the State.

Sec. 6. That said company shall not sell, rent or lease their said road to, or consolidate the same with, any competing, parallel or converging line of road, nor purchase, rent or lease any such competing, parallel or converging line of road, under penalty of a forfeiture of this charter. And said company shall be subject to all general laws now in force, or that may hereafter be enacted in this State, regulating railroads and railroad companies, both as to the rates of freight and passage, as well as to the conduct of its officers and employes.

Sec. 7. Said company shall be liable to all the restrictions imposed on railroads by any general railroad law of this State, and shall be entitled to any of the benefits conferred by the same. Its principal office shall be at the city of Austin, Texas; and this act shall be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCXLIV.

An Act to authorize the Police Court of Hunt County to levy and collect a Special Tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of Hunt county be authorized to levy and collect an ad valorem tax of one-tenth (1-10) of one (1) per cent. of all assessed porperty in said county, for the year A. D. 1873, for the purpose of repairing the jail in said county, and that said court disburse the same for this purpose and no other.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXLV.

An Act to authorize the Police Court of Jasper County to levy and have collected a Special Tax for the purpose of building a Jail in said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of Jasper County be and is hereby authorized to levy and have collected, for the year A. D. 1873, a special ad valorem tax upon all taxable property in said county on the first day of January, A. D. 1873, real, personal and mixed, not to exceed one dollar on each one hundred dollars worth of said property, for the purpose of building a good and substantial jail in said county. That said tax shall be levied and collected as other county taxes, and at the same time that the State and the other county taxes for the year A. D.

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1873 are collected, and shall be paid in United States currency.

Sec. 2. That said police court shall require of the sheriff of said county a good and sufficient bond, conditioned as said court shall require, before commencing the collection of said tax; and also a good and sufficient bond of the treasurer of said county, conditioned as said court shall require, before said tax shall be paid over to said treasurer by the sheriff or collector.

Sec. 3. That the said police court shall appropriate the money arising from said tax for the purpose specified in this act.

Sec. 4. That this act take effect and be in force from and after its psssage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXLVI.

An Act to incorporate the Ledbetter and La Grange Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. M. Faulker, W. H. Ledbetter, John Shumaker, A. Klenert, G. W. Radford, R. J. Moore, George Weyand, C. P. Flack, John W. White, J. G. Killough, W. W. Ligon, J. S. Lester, J. D. Hunt, S. Friedburger, and their associates, be and are hereby appointed commissioners to open books and secure subscriptions to the capital stock of a corporation thereby created to be styled the Ledbetter and La Grange Railway Company.

Sec. 2. That a majority of the commissioners shall constitute a board for the transaction of business, and shall hold meetings from time to time until directors shall be elected as provided hereafter.

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Sec. 3. That at the time of subscribing to the stock of this company, five per centum of the amount subscribed shall be paid in, unless otherwise provided by the commissioners or directors.

Sec. 4. That the subscribers of the capital stock of this company are hereby created and established a body corporate and politic, under the name and style of "The Ledbetter and La Grange Railway Company;" with capacity to contract, to sue and to be sued, to plead and be impleaded, to have succession and common seal, to grant and receive, to hold and alien real estate, to make and force by-laws, and to do and perform all things necessary and proper to maintain their right under this act.

Sec. 5. The capital stock of this company shall be one hundred thousand dollars, to be increased by a vote of two-thirds of the stockholders, representing two-thirds of the stock, to such an amount, not to exceed one million of dollars, as may be required to carry out the object of this company, divided into shares of one hundred dollars each, each than [share] to entitle its holder and owner to one vote in all meetings or elections of stockholders, and a majority of the stock shall govern, except in cases otherwise specially provided for. The said share of stock shall be deemed personal property, transferable only on the books of the company.

Sec. 6. The direction and control of said corporation and affairs shall be vested in a board not less than seven (7) nor more than nine (9) directors, to be chosen by the stockholders at an annual meeting, the first of which shall be in the city of LaGrange, whenever one hundred thousand dollars shall have been subscribed, or five per cent. thereof paid into the aforesaid commissioners.

Sec. 7. A majority of the directors shall constitute a quorum to do business; and at their first meeting they shall elect one of their number president, and one vice-president. The board shall appoint a secretary and treasurer, and other officers requisite to carry on the business of the company.

Sec. 8. That said company, when duly authorized, shall be and is hereby vested with the right of locating, constructing, owning, operating, and maintaining a railway, commencing at the town of Ledbetter and running to the city of La Grange, together with such turnouts, sidings and extensions as the company may deem it to

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their interest to construct, own, equip and maintain, with authority to construct, own, equip and maintain, in connection with said railway, a telegraph line along the route thereof.

Sec. 9. Any agreement in writing to subscribe for stock may be enforced according to the terms of subscription, and unless payment be made according to terms of subscription, the directors, after thirty days notice, may sell said delinquent stock, and transfer the shares of such delinquent to the purchaser.

Sec. 10. It shall be lawful for said company to enter upon, purchase, otherwise receive, take, hold, or obtain any lands for the purpose of locating, constructing and maintaining said railway, with all the necessary depots, turnouts, sidings, extensions and buildings connected with said railway. When land cannot be obtained by agreement with the owner or owners thereof, they shall pay such compensation as shall be determined in the manner hereinafter set forth; provided, that the land taken for this railway shall not exceed two hundred feet in width, unless for depots and buildings, and during the construction of said railway.

Sec. 11. Any person or persons whose land has been taken as aforesaid, without agreement or satisfactory compensation, may apply to the district court of the county for the appointment of appraisers, and said court shall thereupon appoint three disinterested freeholders of said county, who shall appoint a time and place to hear the applicant and said company, to whom shall be given by said freeholders reasonable notice of the time and place of said hearing; and said freeholders shall, after being duly sworn, and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award at the next succeeding term of said court, and said award, if not rejected by said court for sufficient cause then shown, shall be entered up as the judgment of said court. In determining the question of compensation, said freeholders shall be governed by the actual value of said land at the time it was taken, taking into consideration the benefits on [or] injuries to other lands or property of its owner by the establishment of said railway. And if the amount of compensation awarded by said freeholders shall not exceed the amount offered by said company

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to the owner, prior to said application to the court, the applicant shall pay the costs of the proceedings, otherwise the company shall pay the same. During the inquiry as to the value of said land, or the damage done to the estate of the owner, said company shall in no manner be molested or hindered in the prosecution of their work thereon or occupation of the same by any writ or process from any court of this State; but all officers of the law are authorized and required to render prompt assistance to said company in the premises.

Sec. 12. That said railway company shall have the right to cross all public highways and all railroads that it may be necessary to cross to establish said railway; and if said railway cross any stream that is navigated, where crossed, by steam, it shall cross in such a manner as not unnecessarily to impede navigation.

Sec. 13. That said company shall have power to borrow money, issue bonds or other bills of credit, with or without mortgage; provided, it is done in conformity to a vote of two-thirds of the directors, sanctioned by the majority of the stockholders at a regular call meeting, of which thirty days' public notice has been given; and generally this company shall have all power requisite to carry into successful effect the objects of this company.

Sec. 14. That the first meeting of this company shall be called in the city of La Grange whenever one hundred thousand dollars of the capital stock shall have been subscribed, by giving thirty days' public notice in a newspaper published in the county through which this railway is to pass; and the stockholders shall then proceed to elect directors, who shall hold office until the annual election, which shall take place at the company's principal office in the city of La Grange, on the first Tuesday in December in each year; should a majority of the stock be represented the election shall proceed; if not, the directors shall appoint another day within thirty days thereafter, and an election on that day shall be valid. Directors elected under the provisions hereof shall hold their office for one year, or until their successors be chosen and qualified. No person shall be a director who is not the owner of at least ten shares of the stock of this company.

Sec. 15. That this charter shall remain in full force for the period of sixty years from the date of completion of said railroad, and the company shall be entitled to re-

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ceive sixteen sections of land for each and every mile of railroad completed; and whenever the Governor shall be informed that ten miles of said road shall have been completed, he shall at once appoint some competent person to inspect the same; and if the report of the inspector shall be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be to immediately issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of road completed, and so on for every additional ten miles, when completed, which said certificates shall be located, surveyed, and patented according to the provisions of the general railroad law, on the principal of alternate sections; provided, that each succeeding section of ten miles shall be inspected in like manner as provided in this section for the first ten miles; provided, further, that the said company shall not have the right to sell, rent, lease or consolidate with any parallel or competing railroad in this State; provided, further, that in no case shall the State be in any way liable for deficiency of vacant domain; provided, further, that the field notes and maps to be returned to the General Land Office, and the odd sections patented to said company, and all the alternate or even sections shall be reserved and set apart, and appropriated to, and constitute a part of the common school fund, as provided by law; and the lands granted to said company by virtue of the provisions of this act, shall be alienated by said company, except so far as may be necessary to the maintenance and running of its road, as follows, to-wit: one-fourth in eight years; one-fourth in ten years; one-fourth in twelve years; one-fourth in sixteen years, from the time of acquiring said lands; provided, said lands shall not be alienated, directly nor indirectly to any other corporation for its use, except so far as may be necessary for the proper uses and convenience of the business of such corporation; and on failure to alienate said lands, as herein directed, they shall be proceeded against as the laws in force may direct; and provided, further, that the State of Texas shall not be held liable for a deficiency in the lands hereinbefore mentioned.

Sec. 16. That this railway shall be constructed according to the State gauge; that said railway shall be substantially built, and fully equipped for passenger

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travel, and for the transportation of freight, and be operated by steam.

Sec. 17. That this company shall have the power to charge and collect such rates of freight and such rates of passage as the company may deem just and proper; provided, however, such charges do not exceed the charges legally established on other Texas railways.

Sec. 18. That the organization of this company shall be perfected within six months from the date of the passage of this act, and ten (10) miles shall be completed within two years, and ten miles each year thereafter, or this charter shall be forfeited as to that portion not built.

Sec. 19. That the said company are authorized to solicit and receive donations in lands, money, bonds, or other property, either from individuals, counties or other corporations; and under any laws now in force, or hereafter passed, they are authorized to apply, if deemed by them necessary, to the counties of the State situated on or near the route of said company, for aid, by gift or loan in money or bonds, or by subscription to the capital stock of said county.

Sec. 20. That the State reserves the right to regulate the rates of freight and passed [passage] on said road, by any general law of the State applicable to railroads, and also to place the officers and employes of the same under the provisions of any general law which is now in force, or may hereafter be enacted to prevent wrong towards passengers or other patrons of the road; and said company shall be subject to any law now in force or hereafter enacted in relation to railroads in this State.

Sec. 21. That this act shall take effect and be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCXLVII.

An Act to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting Lands in aid of the construction of said Railway.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thos. Harrison, J. T. Flint, T. D. Lorance, N. F. Sparke, A. D. Kinnard, N. H. Cook, Samuel Meyer, J. W. Brown, J. J. Jarvis, W. P. Burts and J. B. Dunn, James E. Patton, C. N. Brooks, J. M. C. Wilson, and their successors in office, be and they are hereby constituted a body corporate and politic, by the name and style of the "Fort Worth, Cleburne and Waco Railway Company;" with power to sue and be sued; plead and be impleaded; contract and be contracted with; to have perpetual succession; to have a corporate seal, and to alter the same at discretion.

Sec. 2. That the object of the railway company hereby incorporated is to construct and establish a first-class railway and telegraph line from the town of Fort Worth, in Tarrant county, through the town of Cleburne, in Johnson county, and Peoria, in Hill county, to Waco, in McLennan county; provided, that if the direct practicable route of said road shall pass nearer to the town of Hillsboro than to the town of Peoria, then it shall run by and make and maintain a depot at Hillsboro, instead of running by Peoria.

Sec. 3. That the said corporation shall have power, and it is hereby authorized, to construct and maintain a railway and telegraph line from, by and to [the] points named in the second section of this bill; and to effect that object the said company shall have power to purchase lands, or may accept donations of lands, and any other property whatever; shall establish and maintain a depot within one-half mile of the public square of each of the towns named in the second section of this act; provided, said towns, respectively, shall donate to said company the necessary land for depot buildings, side tracks, switches and right of way, in no case to exceed fifteen acres.

Sec. 4. That the capital stock of said company may be fixed by the board of directors at any sum not to exceed twelve million dollars, and shall consist of shares of

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one hundred dollars each, which shall be transferable in such manner as the by-laws of said company may provide. In all elections of officers of said company such share of stock shall entitle the holder thereof to one vote. The board of directors shall have the power to require full payment of all said stock, in such installments and at such times as may be prescribed by the by-laws of said company.

Sec. 5. The persons named in the first section of this act, or any nine of them, shall meet at such point in the State of Texas as may be by them agreed upon, and temporarily organize said company by electing a president, a vice-president, secretary and treasurer. The said persons shall at the same time provide for the opening of the books of subscription to the capital stock of said company; and whenever the sum of one hundred thousand dollars shall have been subscribed, and five per cent. thereon paid into the treasury of the company, the president of the company shall notify the stockholders of the company to meet at a time and place designated by him, when a permanent organization shall be had by electing a board of trustees, to consist of not less than nine stockholders in said company, a majority of whom shall constitute a quorum to transact business, who shall hold their office for two years, and until their successors are elected and qualified; and said board of trustees, when duly qualified, shall elect a president, vice-president, secretary and treasurer, and such other officers as may be necessary; and such board of trustees may, at their first, or any subsequent meeting, make and establish such by-laws for the government of said company as are not inconsistent with the laws of the State, or of the United States, or the provisions of this charter.

Sec. 6. That the right of way through the public lands of the State is hereby granted to said company whenever said road may pass through any of the public lands of the State, and the right of way through the lands of any private person, for necessary construction of said road, is hereby given in accordance with the Constitution and laws of this State. And said company is hereby authorized, and the right granted, to cross or intersect other roads, and to build all necessary bridges and causeways on the line of said road. Said company shall not sell, lease or rent said road to, or purchase, or be consoli-

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dated with any other parallel, converging, or competing railroad line, but this restriction shall not be so construed as to prevent said road from connecting with and forming a continuing part of another road running in the same direction.

Sec. 7. That this charter shall remain in force for the period of sixty years from the date of the passage of this act, and the company shall be entitled to receive sixteen section[s] of land, of six hundred and forty acres each, out of the public domain of the State of Texas, exclusive of that set apart by the Legislature for the benefit of the school fund, for each and every mile of railroad completed upon the said line. That whenever and as often as said company shall complete and put in running order a section of ten or more miles of its road, as hereinbefore designated, said company shall give notice thereof to the Governor of the State; and it shall be his duty to appoint some skillful engineer, if there be no State engineer, to examine said completed road and make report thereon, under oath, to [the] Commissioner of the General Land Office; and it shall be the duty of said Commissioner, if said road is shown to havve been constructed in accordance with his [its] charter, and as required by law, to issue to said company sixteen certificates, for six hundred and forty acres of land, for each and every mile of road so completed. That all land certificates that shall issue to said company under the provisions of this act shall be located and surveyed in alternate sections; that is to say, said company shall cause to be surveyed two sections, of six hundred and forty acres each, for each certificate adjoining, and shall return to the General Land Office the field notes and maps of the same; and the Commissioner of the General Land Office shall thereupon number said sections so surveyed, and shall cause to be issued to said company, or its assignee, patents to the odd sections, the even sections being reserved to the State for the school fund; provided, the State of Texas in no event shall be responsible for a deficiency in the public land upon which to locate said certificates; and such certificates not located because the public land is exhausted shall constitute no claim against the State. That said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary use and operating said road, as follows, viz.: one-fourth in eight years; one-fourth in

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twelve years; one-fourth in sixteen years, and the remaining one-fourth in twenty years, from the date of the issuance of the certificates, in such manner that the whole of such land shall pass out of the hands of said company within twenty years after the date of the certificates; provided, that said lands shall not be alienated to any other corporation, except so far as may be necessary for the proper use and conducting the business of such corporation, nor to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder is a member. And on failure to comply with, or on a violation of the provisions of this section, or the general laws regulating railroads, the said company shall forfeit all right to lands secured by this act not alienated as herein required; and the State expressly reserves the right to regulate the charges for freight and passage on said road, and to fix and determine the duties and responsibilities of said railroad company as a common carrier.

Sec. 8. The company herein chartered shall complete and put in thorough running order, by the first day of January, A. D. 1875, a section of at least ten (10) miles of said road, and shall complete and put in thorough running order the entire line of said road from Fort Worth to Waco within two years from said time; and should said company fail to comply with the provisions of this section, they shall forfeit all claims to the land donation under this charter for the unfinished portion of said road.

Sec. 9. This act shall take effect and be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCXLVIII.

An Act to dedicate to the use of Travis County certain Land in the City of Austin, on which to erect a Court House and Jail, and to enable said County to build the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the north half of block number one hundred and twenty-three, in the city of Austin, Travis county, Texas, be and the same is hereby dedicated for a term of sixty years to said county of Travis, for public uses, on which to erect a court house and jail, of not less value than ninety thousand dollars; provided, said county of Travis shall not at any time, nor in any manner, sell or otherwise dispose of said land; provided, further, that said county of Travis shall place at the disposal of said Legislature, free of charge or taxation, all the rooms in the north half of the basement story of said court house, not less than five; and provided, further, that Austin Lodge No. 12, Lone Star Chapter No. 6, Colorado Commandery No. 4, of the Masonic fraternity, and Milam Lodge No. 23, and Johnson Encampment No. 5, of the Independent Order of Odd Fellows, shall have the privilege, at their own expense, to erect a third story on said court house, for their benefit, with the right to alienate the same, subject to the approval of the presiding justice of said county of Travis, free of charge or taxation of any kind whatsoever on the part of said county of Travis, which court house shall be so constructed as to give said fraternities free ingress and egress to said third story by means of a suitable stairway, to be erected in the western portion of said court house; provided, said buildings shall be erected five years from the passage of this act, or this lease shall be void; provided, that this lease shall revert to the State in case the county of Travis shall fail to keep up and maintain a jail cleanly and comfortable for prisoners, and adequately provided against the inclemency of the weather.

Sec. 2. And for the purpose of enabling said county of Travis to erect said court house and jail, the County Court of said county of Travis is hereby authorized to levy and collect an ad valorem tax upon all the taxable property in said county, to the amount of fifteen thousand

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dollars per annum, for the period of six years; and in anticipation of said tax, the said County Court may issue bonds in the name of said county of Travis, to an amount not to exceed ninety thousand dollars, bearing interest at the rate of eight per cent. per annum, redeemable in annual installments from the proceeds of said tax; the amount realized by the sale of said bonds to be appropriated to the building of said court house and jail; provided, said bonds shall not be issued, nor shall said taxes be levied or collected, unless a majority of all the registered voters in Travis county shall, at an election to be held for that purpose, vote in favor of said bonds and taxation; said vote to be submitted to the voters of said county by the County Court of Travis county.

Sec. 3. Said county court is further authorized and empowered to sell at public vendue, or at private sale, to the best advantage, the buildings and land now occupied as a court house and jail in said city of Austin, and to make and execute a deed or deeds to the purchaser or purchasers of the same; said deed or deeds to be made and acknowledged by the presiding justice of said county of Travis. The amount of the proceeds of said sale to be appropriated to and expended in erecting said court house and jail herein provided for.

Sec. 4. That this act take effect and be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCXLIX.

An Act supplementary to the Acts incorporating the City of Dallas.

Section 1. Be it enacted by the Legislature of the State of Texas, That in addition to the tax now allowed

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by the act incorporating the city of Dallas, the city council of said city is hereby empowered to have levied and collected an annual ad valorem tax, for the year 1873, of one-fourth of one per cent., and for the years 1874 and 1875, of not exceeding one-half of one per cent., on all the taxable property, real, personal and mixed, in said city, to be used and appropriated as other ad valorem taxes.

Sec. 2. That whenever a market house or houses may be erected and opened in said city, by authority of the council thereof, the said council shall have the power and authority to require all fresh meats, fish, vegetables and other ordinary market produce, to be sold within such market house or houses, as the case may be; and that this act shall take effect and be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCL.

An Act to incorporate the Central Texas Agricultural and Mechanical Fair Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Agricultural and Mechanical Fair Association of Central Texas is hereby declared a body corporate and politic, with power to sue and be sued, to plead and be impleaded, and with the right and power to buy, hold and sell property, real and personal, to the amount of one hundred thousand dollars.

Sec. 2. That said association shall have a common seal, and shall in general have and exercise all the rights, privileges, and immunities that are by law incident to and necessary for corporations of a similar character.

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Sec. 3. The grounds to be used for exhibitions of said fair association shall be located within three miles of the town of Salado, in Bell county, and the office of said association shall be within the corporate limits of said town of Salado.

Sec. 4. That O. F. Tyler, B. D. McKie, L. A. Griffith, J. T. Eubank, W. T. Ethridge, A. J. Rose, W. Barton, J. J. Gregory, N. S. Walker, W. P. Hancock and J. M. Tomlinson, and their successors in office, are hereby constituted trustees for said association.

Sec. 5. That said corporation shall be enabled to purchase such real and personal property as may be necessary to effectuate and sustain the object of its creation, which is hereby declared to be to encourage and develop the agricultural, mechanical and other industrial interests of the State.

Sec. 6. That O. F. Tyler, B. D. McKie, L. A. Griffith, J. T. Eubank, W. T. Ethridge, A. J. Rose, W. Barton, J. J. Gregory, N. S. Walker, W. P. Hancock, and J. M. Tomlinson, are hereby authorized to open books, at the town of Salado, in the county of Bell, for subscription to the capital stock of said association, in such amount only as may be necessary for the legitimate objects of said association to be determined by them. The said capital stock shall be divided into shares of ten dollars each, in specie, and shall not exceed in the aggregate one hundred thousand dollars. In all elections, each share shall be entitled to one vote; but no stockholder shall be entitled to more than five votes.

Sec. 7. That said corporators shall give notice in the "Belton Journal" of the opening of said books, which shall be kept open for thirty days, or longer if they deem it necessary to obtain the requisite amount of stock.

Sec. 8. That at the time of subscribing, the whole amount of said share or shares shall be paid in, and said stock shall be deemed personal assets, and shall be transferred only on the books of said corporation, by the person owning the same, or his legally constituted agent, attorney, legal representative, trustee, or guardian; and said stock shall ever be held subject to any demands and dues from the stockholders to said corporation, before or at the date of the transfer.

Sec. 9. No dividends shall be declared or paid on said stock for more than the rate of twelve per cent. per

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annum upon the sum paid in, but the funds accruing above this shall be faithfully devoted to the objects of the corporation.

Sec. 10. On the subscription and payment of the stock advertised for said corporation, they shall proceed to an organization. The officers of the corporation shall consist of a president, two vice presidents, recording and corresponding secretaries, and a board of directors, not less than five nor more than seven in number, who shall manage the affairs and business of the company. They shall hold their offices for the term of twelve months, and until their successors are elected, and enter upon the discharge of their duties. They shall be elected annually by the stockholders. Should the stockholders fail to meet at any time and elect officers and directors, the directors in office shall appoint a day for a special election. Thirty days notice shall be given of all elections for officers and directors. The directors shall have power to fill vacancies, and to do all other acts, in concert with the officers, that they may deem necessary in conducting the business of said company, and not in contravention of the Constitution and laws of the United States, or of the State of Texas. A majority of said officers and directors shall constitute a quorum to do business, the president or a vice president being one.

Sec. 11. Instruments or contracts in writing shall be signed by the president, and countersigned by the secretary with the seal of the company affixed; and said company shall be bound by parol contracts made by their authorized agents, within the scope of the authority to be conferred on them by resolution of the officers and directors.

Sec. 1. That the stockholders in said corporation shall be liable in a just ratio or proportion to the amount of the stock held or subscribed by them, for all debts incurred or created, during their said ownership of said stock, to the extent of the amount of their stock subscribed.

Sec. 13. That said corporation may receive and hold, by gift, grant or bequest, for the benefit of the same (in lieu of money), material or other property; but the whole amount to be held by said company shall not exceed one hundred thousand dollars.

Sec. 14. That said officers and board of directors shall

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have power to make all necessary rules and regulations for the holding of their fairs, and for the preservation of order and the protection of the fair grounds from disturbances or breaches of the peace during the time of holding fairs; at the commencement of said fairs said rules shall be conspicuously posted up at the entrance gate thereof, and any person who shall willfully violate any of said rules or regulations, shall be subject to a fine of not exceeding fifty dollars, to be recovered by complaint or indictment, in any court having jurisdiction of such offenses.

Sec. 15. That no jockey club, quarter, or other species of racing, the exhibition, vending, giving or otherwise disposing of any spirituous, vinous or other intoxicating liquors, shall be done or carried on within six miles of the fair grounds of said company, under penalty of fifty dollars and thirty days' confinement in the county jail, to be recovered and enforced upon complaint and conviction before any magistrate of the county, for each and every violation of this section.

Sec. 16. That this act shall take effect and be in force from and after its passage.

Passed May 30th, 1873.

[Note.—the foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLI.

An Act to incorporate the Lavaca County Tap Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. L. Sartwell, James Waller, John Williams, A. G. Nolen, W. P. Terry, H. K. Judd, J. W. Whitfield, W. D. Bent, W. W. Allen, Willis McCutcheon, A. J. Patton, Jas. C. Finnie, Hiram Griffith, L. E. Neanhaus, Allen Easterling, A. M. Gilmer,

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Albert Arnim, Sam Devall, O. Ellis, B. F. Moss, L. S. Pepper, J. Samusch, Lee Green, A. P. Bagby, Louis Turner, S. Lee Kyle, J. E. Lay, B. Hall, T. B. Foster H. C. Youngkin, F. W. Fahrendtholt, W. W. Boyce, John M. Bennett, W. H. Coleman, H. R. McLean, Jackson Warner, P. C. Patton, W. H. Tevis, be and they are hereby appointed commissioners to open books and receive subscriptions to a capital stock of a corporation to be styled "The Lavaca County Tap Railway Company." A majority of said commissioners shall constitute a quorum to do business, and shall meet in the town of Hallettsville within twenty days after the approval of this act, or as soon thereafter as a majority thereof may agree upon; and they may appoint one or more of their own body, and such other agents as they may select, to open books at such places as they may direct, to receive subscriptions for the stock of said company; and the said commissioners shall hold meetings from time to time, as their business may require, until directors shall be elected, as herein provided for. In receiving subscriptions for said capital stock they shall require five per centum thereof to be paid at the time of subscribing, whether to one of their own number or to an agent appointed by them; and any subscription to said stock upon which the amount of five per centum is not paid shall be void, and the party receiving the same on the part of the company shall be responsible to it for the said five per centum upon said stock; provided, that certificates of said stock shall not be assignable until after the organization of said company.

Sec. 2. That the subscribers to said capital stock, whenever they shall have selected directors, are hereby created and established a body corporate and politic, under the name and style of "The Lavaca County Tap Railway Company;" with capacity in said corporate name to sue and be sued, to plead and be impleaded; to have succession and a common seal; to make contracts; to grant and receive; to make by-laws for its government; and generally to do and perform all things necessary and proper to the maintenance of its rights under this act, and not inconsistent with the Constitution of this State and of the United States.

Sec. 3. The capital stock of said company shall not exceed one million of dollars, to be divided into shares of

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fifty dollars each, each share to entitle the owner thereof to one vote in all elections and meetings, when stockholders are called upon to vote, and a majority of the votes shall govern in all cases not otherwise provided by law; the said shares of stock shall be deemed personal estate, transferable only on the books of the company.

Sec. 4. The direction and control of the affairs of said corporation shall be vested in a board of not less than five nor more than nine directors, as the by-laws may provide; they shall be chosen by the stockholders at their annual meetings, the first of which shall be holden at such time and place as the corporators herein named shall designate; said directors shall select one of their own body to be president of said company; shall fill vacancies in their board, appoint a secretary, treasurer, and such other officers and agents as they may deem proper, and require bond for the prompt and honest discharge of their duties, and make all proper rules for the holding of their meetings, and all other rules, not inconsistent with the general laws, which they may deem necessary to protect the interest of the company; they shall cause to be kept accurate books of accounts, exhibiting the receipts and expenditures of the company. A majority of the directors shall constitute a quorum to do business, and shall have the power of a full board; and all conveyances and contracts signed in writing by the president and countersigned by the secretary, or any other officer duly authorized by the board of directors, under the seal of the company, when the same is in execution of an order of the board, shall be binding and valid.

Sec. 5. That so soon as twenty thousand dollars of the capital stock of said company is subscribed, and five per cent. thereof paid to the commissioners, they shall cause the first election to be held for directors, first giving notice for thirty days of the time and place of said election, by publishing the same in the Herald and Planter, a newspaper published in the town of Hallettsville; and when said directors so elected shall have organized, the said commissioners shall pay over to the treasurer of the company all the moneys they may have received upon subscription to the stock of the company, and deliver to the said directors all the books and papers belonging to the company.

Sec. 6. That said company, when it shall be organ-

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ized by the provisions of this act, shall be and is hereby invested with the rights of locating, constructing, owning, and operating and maintaining a continuous line of railway, with a single or double track, as well as a telegraph line, from the town of Hallettsville, Lavaca county, to such point not exceeding sixty miles from said town of Hallettsville, on either the "Galveston, Harrisburg and San Antonio Railroad," "The Gulf, Western Texas and Pacific Railroad," or the continuation of the Houston and Great Northern Railroad, southwest from Houston, on its extension along or near the line of the road formerly known as the "Houston or Brazoria Tap," as the directors of the company may select for intersection by the tap road hereby authorized to be constructed, together with such turnouts, branches and sidings or switches as the company may deem it their interest to construct, and the intersection with either of said roads will be considered a compliance with this charter.

Sec. 7. That said company, after its organization in pursuance of this act, under the board of directors, shall have power to receive further subscriptions to the capital stock of said company, until the whole amount shall have been subscribed, but five per cent. of such subscription shall be paid at the time of subscribing; and the directors shall be personally liable to said company for five per cent. of all such subscriptions as they may receive without such payment; provided, however, that said company may, by a vote of a majority of the votes of the stockholders, issue certificates of stock, to be issued in payment of any debt contracted for the construction and equipment of said road. Any agreement in writing to subscribe for stock may be enforced according to its terms; and if any subscriber shall fail to pay any amount due upon shares subscribed by him, according to the terms of his subscription, the directors may sell the same at auction, after giving thirty days notice, as required at sheriffs' sales, and transfer the shares of such delinquent to the purchaser; and if the proceeds of such sale shall not be sufficient to pay the amount due, with interest and charges, said delinquent shall be liable to the company for such deficiency; but if the proceeds shall exceed the amount due, with interest and charges, he shall be entitled to the excess. Such sale to be made in the town of Hallettsville.

Sec. 8. It shall be lawful for said company to enter

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upon and purchase, or otherwise take and hold any land necessary for the purpose of locating, constructing and maintaining said railway, with all the necessary depots and buildings connected with said railway; and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided in the following section. The land so taken for the road-bed shall not exceed fifty yards in width, and for depots and other buildings only such width as shall be absolutely necessary.

Sec. 9. Any person whose land has been taken as aforesaid may apply to the presiding justice, or chief magistrate of the county where the land is situated, for the appointment of three freeholders; and said magistrate shall thereupon appoint a time and place to hear the applicant and the company, to whom shall be given reasonable notice of such time and place; and said freeholders shall, after being sworn, and having heard the parties, determine the compensation to be paid to the applicant, and make return of their award to the next regular term of the district court of the county; and said award may be confirmed, or, for any sufficient reason, it may be set aside by said court; and if it be confirmed, judgment shall be rendered thereon as in other cases. In determining the compensation to be paid as aforesaid, the said freeholders shall be governed by the actual value of the land at the time it was taken, and shall consider the injury or benefit that would result to the adjoining lands of the applicant by the establishment of the railroad, and if the benefit shall exceed the injury, the applicant shall receive nothing, but shall pay the cost.

Sec. 10. The said company, in its charges for freight and passage, shall be governed by the general laws now in force, or that may hereafter be enacted, and the State reserves also the right to prescribe and regulate the duties and liabilities of said company as a common carrier; and said railroad company shall have the right to cross all public highways and streets of towns and cities tnat may be necessary to cross to establish said railway; provided, said railway shall not run through the streets of any town and city in such a way or manner as shall damage the property situate on said street, unless by consent of the city or town authorities, and by making compensation

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to the owner or owners of said property for any damage to said property.

Sec. 11. That said company shall have the power to borrow money, and issue its bonds with or without mortgage; provided, the same be done in conformity to the laws of the State, this act of incorporation, and the by-laws of the company.

Sec. 12. The annual meeting of the stockholders of this company shall be held at such time and place as may be designated in the by-laws, which shall be a day for the transaction of business by the stockholders, at which time the annual election for directors shall take place. Should stockholders owning a majority of the stock fail to meet on that day for such election, the directors may appoint another day for that purpose, and an election held on the appointed day shall be valid. Directors elected under the provisions hereof shall hold office until the next annual meeting, and until their successors are chosen and qualified.

Sec. 13. The State of Texas hereby grants to said company the right of way, to the extent of fifty yards in width, over all lands in the State belonging to her along the line over which this road may run for the tracks thereof, and the use of such amount of said lands as may be absolutely necessary for sidings, turnouts and depots, station houses and machine shops, and for the location and maintenance of wells, water tanks and other necessary buildings incidental to its uses and purposes in the construction and operation of said railway; also the right to take from all lands belonging to the State, within five miles of the located line of said road, such timber, rock, earth and other materials as may be needed for the construction and operation of this railroad; and in addition thereto, this company shall be entitled to receive such donations of land as are provided for the encouragement of internal improvements by any general law of this State now in force, or that may hereafter be in force, upon the terms and conditions in that law prescribed, or that is now or may be hereafter enacted.

Sec. 14. Subscriptions of shares in the capital stock of this company may, at the discretion of the directors, be received on stipulation to be paid in labor or materials for the construction of said road or the accompanying telegraph line. They may also be paid for in lands, at

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the discretion of the directors; provided, that the owner of land, who desires to pay for his stock with the same, shall pay the full amount of his subscription in lands at the time of subscribing, at such price as may be agreed upon by the subscriber and the person who represents the company who receives such subscription, the subscriber giving the said company his bond, obligating himself to give to the said company a fee simple warranty title to the land thus subscribed when the road is completed from Hallettsville to the one the company may decide on tapping.

Sec. 15. This company has the right of selecting its point of intersection of the railroad it may elect to tap, whenever the railroad to be tapped shall arrive at a place at which this company may determine to join it with said tap road; and this company shall, within twelve months thereafter, locate its road and commence the work of its construction, and shall complete said work and equip said road and put it in good running order within five years from the time of locating said tap.

Sec. 16. This charter shall remain in force for the period of sixty years from the date of completing said road; provided, the conditions set forth are fully complied with.

Sec. 17. That said Lavaca County Tap Railroad Company may dispose of this charter, by sale or otherwise, to ony other railroad company, and in the event of the purchase of said railroad by any other company, they may operate this road under this charter, or under their own charter, without separate affairs, subject to such conditions as may be imposed in such sale.

Sec. 18. This act shall take effect and be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCLII.

An Act to amend an Act entitled "An Act to incorporate the German Casino of Columbus, Texas."

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourth section of the above recited act be so amended as to read as follows, to wit: The object of said association being the promotion of morals, benevolence, and encouragement of musical and dramatic science; and that said association shall be exempt from all occupation tax, State, county and municipal; provided, that this association shall not be allowed to transact any business of profit.

Sec. 2. That this act take effect from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLIII.

An Act to prohibit the sale or disposition of spirituous, vinous or other intoxicating Liquors within three miles of Mount Calm Masonic Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person to sell or otherwise dispose of any spirituous, vinous, or other intoxicating liquors within three miles of Mount Calm Masonic Institute, situated at Mount Calm, Limestone county, Texas, except on the certificate of some practicing physician, for medical purposes.

Sec. 2. Any person violating the provisions of the first section of this act shall, upon conviction before any court

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of competent jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars, for each and every offense.

Sec. 3. This act shall take effect and be in force within twenty days from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLIV.

An Act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their Road.

Section 1. Be it enacted by the Legislature of the State of Texas, That David Wentzell, Henry Thompson, Henry Russell, D. R. Wingate, M. D. Hine, W. H. Ford, James Lee, E. T. Seale, C. R. Beaty, D. M. Short, William Wilson, James Ballard, S. W. Blount, J. H. Broocks and James M. Ingram, and their associates, be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation hereby created, to be styled the "Orange, Jasper and Shelby Railroad Company."

Sec. 2. That a majority of the commissioners shall constitute a board for the transaction of business, and shall hold meetings from time to time until directors shall be elected, as hereinafter provided.

Sec. 3. That at the time of subscribing to the stock of this company, eight per centum of the amount subscribed shall be paid in, unless otherwise provided by the commissioners or directors.

Sec. 4. That the subscribers to the capital stock of this company are hereby created and established a body corporate and politic, under the name and style of the 'Orange, Jasper and Shelby Railroad company;" with

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capacity to contract; to sue and be sued, to plead and be impleaded; to have succession and a common seal; to grant and receive; to hold and alienate real estate; to make and enforce by-laws; and to do and perform all things necessary and proper to maintain their rights under this act.

Sec. 5. The capital stock of this company shall be one million of dollars, to be increased by a vote of two-thirds of the stock to such an amount, not to exceed three millions of dollars, as may be requisite to carry out the objects of this company, divided into shares of one hundred dollars each, each share to entitle its holder or owner to one vote in all meetings or elections of the stockholders, and a majority of the stock shall govern, except in cases otherwise specially provided for; the said shares of stock shall be deemed personal property, transferable only on the books of the company.

Sec. 6. The direction and control of said corporation and its affairs shall be vested in a board of not less than seven (7) nor more than (11) directors, to be chosen by the stockholders at an annual meeting, the first of which shall be held in the town of Jasper, wherever one hundred thousand dollars shall have been subscribed, and eight per cent. thereof paid in to the aforesaid commissioners, under such provisions for its security as a majority of said commissioners may agree upon.

Sec. 7. A majority of the directors shall constitute a quorum to do business, and at their first meeting they shall elect one of their number president, and one vice president. The board shall appoint a secretary and treasurer, and other officers requisite to carry on the business of the company, and shall prescribe their duties.

Sec. 8. The said company, when duly organized, shall be and is hereby invested with the right of locating, constructing, owning, operating and maintaining a railway, commencing at the town of Orange, on the Sabine river, running in a northwestward direction to the town of Jasper, in Jasper county; thence to the town of San Augustine; thence in a direct line through the county of Shelby, to the nearest point of intersection with any railroad running from Beaumont to Liberty, or from any other point to the city of Marshall or Jefferson; provided, that the freight and passenger depots of said road shall be within a half mile of the court houses in the towns of Orange,

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Jasper, San Augustine, or other county towns, when the direct line of said road passes within five miles of such towns; provided, further, that each and every of said towns, respectively, shall donate to said road the right of way, with the necessary switches and turnouts, together with the necessary grounds for depot purposes, not to exceed ten acres.

Sec. 9. Any agreement in writing to subscribe for stock may be enforced according to the terms of subscription; and unless payment be made according to such terms, the directors, after thirty days notice, may sell said delinquent stock, and transfer the shares of such delinquent to the purchaser.

Sec. 10. That any person taking stock in this company, after paying in the per centum as provided for in section three of this act, or more if he desires so to do, shall secure to the company the balance of the stock he may have subscribed, by note or otherwise, with good and sufficient sureties, based upon real estate, as may be required by the commissioners or directors.

Sec. 11. It shall be lawful for said company to enter upon, purchase, or otherwise receive, take, hold or obtain any lands for the purpose of locating, constructing and maintaining said railway with all necessary depots, turnouts, switches, extensions and buildings connected with said railway. When lands can not be obtained by agreement with the owner or owners thereof, said company shall pay such compensation as shall be determined on in the manner hereinafter set forth; provided, that the land taken for this railroad shall not exceed two hundred feet in width along the line of said road, unless for necessary depots and buildings, and from which to procure the necessary building materials during the construction of said road.

Sec. 12. When said company and the owner or owners of any land through which it is proposed to construct said road cannot agree as to the amount of compensation, said company may apply to the district court of the county in which such land is situated for the appointment of appraisers; and said court shall thereupon appoint three disinterested freeholders of said county, who shall appoint a time and place to hear the applicant, or applicants, and said company, to whom shall be given, by said freeholders, reasonable notice of the time and

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place of said hearing; and said freeholders shall, after being duly sworn, and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award at the next succeeding term of said court, and said award, if not rejected by said court, for sufficient cause then shown, shall be entered up as the judgment of said court. In determining the question of compensation, said freeholders shall be governed by the actual value of said land at the time it was taken. And if the amount of compensation awarded by said freeholders shall not exceed the amount offered by said company to the owner, prior to said application to the court, the applicant shall pay the costs of the proceeding, otherwise the company shall pay the same.

Sec. 13. That said railway company shall have the right to build their road across all public highways, and all railroads that it may be necessary to cross, in order to extend and establish their said railway.

Sec. 14. That said company shall have power to issue bonds, and to borrow money, either with or without mortgage; provided, it is done by a vote of two-thirds of the directors, sanctioned by a majority of the stockholders at a regular meeting, of which thirty days' notice has been given; and generally, said company shall have all power requisite to carry into successful effect the objects of the company.

Sec. 15. That the first meeting of the stockholders of this company shall be called in the town of Jasper, whenever one hundred thousand dollars of the capital stock shall have been subscribed, by giving three weeks' public notice in one or more newspapers published in the counties through which this railway is to pass; and the stockholders shall then proceed to elect directors, who shall hold office until the annual election, the first of which shall take place at the company's principal office in the town of Orange, on the first Tuesday in October, A. D. 1874, and annually thereafter until otherwise ordered by said company. And at such annual elections, should a majority of the stock be represented, either in person or by proxy, the election shall proceed; if not, the directors shall appoint another day within thirty days thereafter, and an election on that day shall be valid. Directors elected under the provisions hereof shall hold their office

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till the next regular annual election, or until their successors are elected and qualified. No person shall be a director who does not own at least five shares of the stock of this company. But nothing in this section shall be so construed as to prohibit the company from removing their principal office to any other point along said road which may be agreed upon by those representing a majority of the stock of said company.

Sec. 16. That this charter shall remain in force for the period of sixty years from the passage of this act; and the company shall be entitled to receive from the State of Texas sixteen sections of land, of six hundred and forty (640) acres each, for each and every mile of railroad completed in good substantial running order. And whenever the Governor shall be informed that ten miles of said road have been so completed, he shall at once direct the State engineer, if there be one, and if there be no State engineer, then he shall appoint some skillful engineer, to inspect the same; and if the report of said inspector, under oath, shows that the work has been completed according to the requirements of this charter, the Governor shall immediately notify the Commissioner of the General Land Office, who shall immediately issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of road so completed, and so on for every additional section of ten miles of said road when completed, which said certificates shall be located, surveyed and patented in alternate sections; every odd section to be designated by the Commissioner of the General Land Office being patented for the company, and every even section being set apart for the increase of the public school fund; provided further, that each succeeding section of ten miles shall be inspected in like manner as the first section; provided further, that said company shall alienate their lands as follows: one-fourth in eight years; one-fourth in twelve years; one-fourth in sixteen years; and one-fourth in twenty years from the date of the issuance of the certificates; except such amount as may be necessary for the construction, maintenance and operation of said road; provided further, that said company shall not have the right to sell, lease or rent to, or consolidate with, any parallel or competing railroad in this State; and provided further, that in no case shall the State be liable for any deficiency

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in the public domain, and shall never be held responsible for any land certificate issued to said company which may not be located because of the previous exhaustion of the public domain; and provided further, that the lands hereby granted shall not be alienated to any other corporation, except so far as may be necessary for the proper use and conducting of the business of such corporation; or to any person, firm, or company, in trust for said railroad company; or to any company or firm of which any officer or stockholder of said railroad company is a member; and a failure to comply with, or a violation of the provisions of this section, or of the general laws of this State concerning railroad companies, shall work a forfeiture of all benefits under this section.

Sec. 17. That the gauge of this railway shall be four feet eight and one half inches, and said road shall be well and substantially built, and fully equipped for passenger travel, and for the transportation of freight. And said corporation shall be subject to all laws now in force, or that may hereafter be enacted by the Legislature, regulating railroads and railroad companies in this State, as well to their rates of freight and passage as to the conduct of their officers and employes.

Sec. 18. That this company shall have the right and power to charge and collect such rates of freight and passage as the[y] may deem just and proper; provided, such rates do not exceed the charges legally established on other railways in the State, or by law.

Sec. 19. That the organization of this company shall be perfected by the first day of January, A. D. 1874, and twenty five miles of road shall be completed in two years thereafter, and twenty miles each succeeding year, or this company shall forfeit all benefits from any land grants, except upon completed road. Said company shall also have authority to construct, own and maintain, in connection with said railway, a line of telegraph along said route.

Sec. 20. That said company are authorized to solicit and receive donations in lands, money, bonds, or other property, either from individuals, counties, or other corporations.

Sec. 21. That this act take effect and be in force from and after its passage.

Passed May 30th, 1873.

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[Note.—The foregoing act was presented to the Governor for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his approval.—James P. Newcomb, Secretary of State.]

CHAPTER CCLV.

An Act for the protection of the Farming Interests of a certain portion of Cooke County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any hog, sheep or goat to run at large within the limits of the following described tract or portion of county, to-wit: Beginning at the southeast corner of the John Carter survey, of three hundred and twenty acres of land, on Spring Creek, in Cooke county, about thirteen miles south of the town of Gainesville, in said county; thence north to the southwest corner of the Jacob Lawson survey of six hundred and forty acres, on Elm and Brown creeks; thence east to said Brown's Creek, on the south line of said Lawson survey; thence up Brown's Creek to the place where it crosses the west line of a three hundred and twenty acre survey of land in the name of A. J. Shannon; thence north to Red River; thence up Red River to the mouth of Fish Creek; thence up Fish Creek with its south prong to the head of the same; thence west to the west boundary line of Cooke county; thence south with said boundary line to the first survey of land in the name of Jacob Wilcox that said boundary line crosses, running south; thence in a direct line to the northwest corner of a three hundred and twenty acre survey of land in the name of G. W. McGown, on Wheat Creek; thence south to the southwest corner of said McGown survey; thence east to the southeast corner of said McGown survey; thence down the center of the divide between Wheat and Blocker creeks on the west, and Fleet Creek on the east, to the south boundary line of Cooke county; thence east with said south boundary line to a point due south of

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the southeast corner of the John Carter survey; thence north to the said Carter's southeast corner, the place of beginning.

Sec. 2. Any person, or his or her agent, who shall permit his hog, sheep or goat to run at large within the limits of the tract of portion of country described in section 1 of this act, shall be deemed guilty of a misdemeanor, and upon conviction by any court of competent jurisdiction shall be fined in any sum not to exceed ten dollars for each offense, and shall be liable in damages to any party injured by such hog, sheep or goat; provided, this act shall apply only to persons who reside within said limits at the time said offense is committed, and to persons who own lands within said limits at said time and their agents, and to persons who shall drive or take on any hog, sheep or goat within said limits and permit the same to run at large within such limits.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed May 30th, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the thirty-first day of May, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLVI.

An Act to prohibit the sale or otherwise disposing of spirituous or intoxicating Liquors within six miles of the Little River Academy, in Bell County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sale or giving away of all intoxicating or spirituous liquors, except for medicinal or sacramental purposes, within six miles of Little River Academy, in Bell county, Texas, is hereby prohibited.

Sec. 2. That any person or persons violating the provisions of the foregoing section shall be fined in any sum

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not less than ten nor more than one hundred dollars for each and every violation of the same before any court of competure [competent] jurisdiction.

Sec. 3. That this act be in force from and after its passage.

Passed May 30th. 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLVII.

A bill to be entitled An Act amendatory of and supplemental to an Act entitled "An Act to incorporate the Pacific and Great Eastern Railway Company," approved August 13th, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the said Pacific and Great Eastern Railway Company shall be entitled to sixteen sections of land, of six hundred and forty acres each, out of the public domain of the State of Texas, for each and every mile of road which they may construct in the State of Texas under the provisions of this act and of the act to which this is supplemental, the certificates for said sixteen sections per mile to be issued to said company by the Commissioner of the General Land Office whenever a section of twenty-five miles of road of the first class shall have been completed and put in complete running order (the same to be ascertained and reported upon, under oath, by a commissioner to be appointed by the Governor for that purpose, if there shall be no State engineer whose duty it shall be to perform such service), and for each additional section of twenty-five miles, as fast as the same may be constructed and reported upon as hereinbefore provided; the said lands, in sections of six hundred and forty acres each; to be located and surveyed by said company in alternate sections of odd and even numbers, to

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be numbered by the Commissioner of the General Land Office, the even numbers being reserved to the State for school purposes; the whole to be surveyed and the field notes of the surveys thereof returned to the General Land Office of the State of Texas at the expense of said company; provided, that when said road, or any portion thereof, shall have been built, there shall then be no public lands of the State, exclusive of that set apart for the benefit of the school fund, or not enough to satisfy the donation herein made, then and in that case the State of Texas shall be in no manner liable to said company on that account.

Sec. 2. That all lands acquired by said company by virtue of the preceding section shall be sold and alienated by them within eight, twelve, sixteen and twenty years; one-fourth thereof at the end of each of these periods, from the date of the issuance of certicates therefor; provided, that said company are hereby prohibited from selling, transferring, or conveying to any person or persons, corporation or corporations, any portion of said lands in trust for themselves, or to any railroad company or companies, except what may be necessary for the construction, maintenance and operation of said road, or to any company or firm of which a stockholder or officer of said railroad company is a member.

Sec. 3. That said company shall not sell, lease or rent said road to, or consolidate with any parallel, converging or competing line of railroad, and shall be subjected to the laws of this State in relation to railroads, now in force, or which may be hereafter passed; and the State hereby reserves the right at all times to regulate the charges of said road for the transportation of passengers and freights, and to regulate and fix the duties and liabilities of said railroad as a common carrier.

Sec. 4. That section eighteen of the said act to which this [is] supplemental shall be, and the same is hereby so amended as hereafter to read as follows, to wit: Sec. 18. That each grant, right and privilege herein contained are so made and given to, and accepted by said company, upon the following conditions, namely, that said company shall commence the work and complete twenty-five miles of said road by the first day of January, 1876, and twenty-five miles every twelve months thereafter; that is to say, for each succeeding year thereafter, a section of twenty-

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five miles, until their said road shall have been completed through the territory of the State of Texas; provided, that the forfeiture herein, and in the original act to which this is supplemental, provided for, shall only apply to so much of said road as may not be built within the time specified in this section.

Sec. 5. That the fourth section of the act to which this is supplemental shall be and hereafter read as follows, to wit: Sec. 4. The said Pacific and Great Eastern Railway Company is hereby authorized to lay out, locate and construct, furnish, maintain, own, operate, and enjoy a continuous line of telegraph and railway, together with all the rights and appurtenances to the same belonging, namely, beginning at Sherman, in the county of Grayson, in said State of Texas, and from said point thence to Whitesboro, in said county of Grayson, thence to Gainsville, in Cook county; thence to Decatur, in Wise county; and establish and maintain a freight and passenger depot within one-half mile of the public squares, or principal business part of said towns, respectively; provided, that said towns shall furnish to said company, free of charge, a sufficient quantity of land on which to establish depots, switches, turnouts, and right of way through their corporate limits, respectively, not less than ten or more than fifteen acres; and from said town of Decatur, in a southwesterly direction, on the most expedient and practicable route, across the State of Texas to the Rio Grande river, at the most practicable crossing, at or near the point on said river known as Presidio del Norte, to be selected and determined by said company as, in their judgment, affording the best facilities for the construction of a railroad from such point on said river, through the Republic of Mexico in the direction of the harbor of Altata, on the Gulf of California.

Sec. 6. That this act take effect and be in force from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCLVIII.

An Act to incorporate the Texas Well and Irrigating Company.

Section 1. Be it enacted by th Legislature of the State of Texas, That Elias Smith and E. C. Smith, of Galveston; J. B. Hurd and Geo. W. Honey, of Austin; F. E. Leason, of Wisconsin; and A. M. Miller, of St. Charles, Missouri, their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the "Texas Well and Irrigating Company;" with capacity in said corporate name to make contracts for boring wells, and irrigating and draining lands upon the main land of Texas; to hold, buy and sell property; to contract and execute deeds of trust, deeds and mortgages; to have succession and a common seal; to make a constitution and by-laws for the government and regulation of its affairs; to sue and be sued, plead and be impleaded; to declare dividends and make divisions of property, and to do and perform all such things as may be necessary and proper for, and incident to, the fulfillment of its obligations and maintenance of its rights under this enactment, not inconsistent with the laws of the State.

Sec. 2. The capital stock of the company shall be ten thousand dollars ($10,000) in material, working apparatus and cash, in shares of twenty-five dollars ($25) each, with power and privilege of increasing the same to forty thousand dollars ($40,000).

Sec. 3. The control and government of the affairs of said company shall be vested in a board of not less than three nor more than five directors, who shall be elected annually, at such time as may be designated.

Sec. 4. The stockholders shall elect from their own number a president, who shall have power to appoint an engineer, and employ and pay the necessary working force for the operations of the company.

Sec. 5. Stockholders only shall be eligible as directors in the company, and a majority, at any regular or called meeting, or otherwise voting, shall constitute a quorum for business.

Sec. 6. All instruments of writing executed by the

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president and secretary, under the seal of the company, shall be binding and valid.

Sec. 7. That this act shall take effect from and after its passage, and shall continue in force sixty years.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLIX.

An Act to prohibit the sale and disposal of spirituous Liquors within five miles of the Academy in the Town of Clifton, Bosque County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person, either with or without license, to sell, barter, give, or in any manner dispose of any spirituous, vinous, malt or intoxicating liquors, within five miles of the academy, in the town of Clifton, Bosque county, Texas, except for medical or sacramental purposes; and any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court having jurisdiction, be fined in any sum not less than ten nor more than one hundred dollars.

Sec. 2. That this act shall take effect from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCLX.

An Act to prohibit the sale or disposal of intoxicating Liquors within three miles of Pecan Grove Male and Female School, in Hill County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person to sell, manufacture, or in any way dispose of any intoxicating liquors, either alcoholic, malt or distilled, within three miles of Pecan Grove Male and Female School, situate in the county of Hill, and any person or persons offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof before the District Court of Hill county, or before any justice of the peace in the precinct in which said school is situated, shall be fined in a sum not less than ten nor more than one hundred dollars for each and every offense.

Sec. 2. That proceedings under this act shall be commenced on affidavit, view or information; one-half of the fine assessed against the defendant shall go to the informer, and the other half into the treasury of said county, to be applied to the benefit of the public school fund, to be paid out by the county treasurer as may be directed by law.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval, on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCLXI.

An Act to prohibit the sale or giving away of spirituous, vinous, malt, and other intoxicating Liquors within two miles of certain places therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not hereafter be lawful for any person to sell or give away, except for medical or sacramental purposes, spirituous, vinous, malt, or other intoxicating liquors, within two miles of the following named institutions of learning in the county of Polk, to wit, "The Moscow Masonic High School," and "Colita Seminary;" and every person who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, may be fined in any sum not less than fifty nor more than one hundred dollars for each offense.

Sec. 2. That this act shall take effect and be in force sixty days after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approvel on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXII.

An Act for the relief G. W. Patterson and Son.

Section 1. Be it enacted by the Legislature of the State of Texas, That the treasurer of the State be and he is hereby authorized and required to pay to G. W. Patterson and son the sum of one hundred and six dollars and seven cents, currency, upon a warrant which shall

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be drawn by the Comptroller of Public Accounts for said amount.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXIII.

An Act to authorize the County Court of Cooke County to levy and collect a Special Tax for the purpose of building a Jail.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Cooke county be and is hereby authorized and empowered to levy and collect, annually, a special ad valorem tax upon all the taxable property in said county, not to exceed one-half of one per centum, annually, till the amount of fifteen thousand dollars, or so much thereof as may be necessary, shall have been levied and collected, for the purpose of building a good and substantial jail at the county seat of said county.

Sec. 2. Said tax shall be levied and collected as other State taxes, and applied to the purposes of building said jail, and for no other purpose. All money collected under this act shall be deposited with the county treasurer of said county, and by him paid out, on the order of said county court; and this act shall take effect and be in force from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections

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thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXIV.

An Act to authorize the County Court of Mason County to issue interest-bearing Bonds to pay the present outstanding Indebtedness of said county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Mason county be and is hereby authorized to issue interest-bearing and coupon bonds, for such sums, and in such amounts, and payable at such time, as said County Court may determine; provided, that the bonds hereby authorized shall be issued only for such sums as are necessary for the purpose of funding the present outstanding indebtedness of said county, of every character whatsoever due and to become due.

Sec. 2. That the said County Court is further authorized to levy and collect a special ad valorem tax, not to exceed fifty cents upon the one hundred dollars value of all taxable property in said county of Mason, for the purpose of paying the interest and providing a sinking fund for the final payment of said bonds; said tax to be assessed and collected as are other State and county taxes.

Sec. 3. That this act shall take effect from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCLXV.

An Act to amend section four of an Act entitled "An Act to incorporate Paine Female Institute," approved August 6th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That section four of the above recited act be and the same is hereby amended so as to read as follows, to wit: Said Female Institute shall be under the direction, supervision, and patronage of the West Texas Conference of the M. E. Church, South; provided, that no religious test shall ever be required of the principals, teachers or students in said Institute.

Sec. 2. That this act shall be in force from and after its passage.

Approved May 31st, 1873.

CHAPTER CCLXVI.

An Act to incorporate the Navasota Real Estate and Building Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That D. D. Atcheson, Thomas Elson, H. K. White, Emmett Hamilton and Sillman Smith, their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the "Navasota Real Estate and Building Association;" with capacity in said corporate name to make contracts; to hold, buy and sell property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds, mortgages and deeds of trust; to have succession and a common seal; to make by-laws for the regulation of its affairs; to sue and be sued; to plead and be impleaded; to declare dividends and make divisions of property; to do and perform all such things as may be necessary and proper for, or incident to the fulfillment of its obligations and maintenance of its rights under this act, and consistent with the Constitution and laws of the State; provided, that the operations of said association, as to the purchase or holding of

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real property, shall be restricted exclusively to and within the county of Grimes.

Sec. 2. The officers and managers of this association shall consist of five directors and one treasurer, to be elected by the shareholders. There shall be one president and one vice president, to be chosen by the board of directors, and also one secretary, to be chosen by the directors from the shareholders. Such officers shall receive such compensation as the by-laws may provide, and their term of office shall be for one year, subject to removal in such manner as the by-laws may prescribe.

Sec. 3. The capital stock shall be twenty-five thousand dollars, with the power and privilege of increasing the same to one hundred and fifty thousand dollars.

Sec. 4. The capital stock of twenty-five thousand dollars shall be divided into twenty-five hundred shares of one hundred dollars per share, payable in monthly installments of ten dollars per month.

Sec. 5. Any shareholder who fails, neglects or refuses to pay, or cause to be paid, his regular monthly installment, shall forfeit his stock to the association; provided, however, that by and with the consent of the board of directors, for some good cause shown, such delinquent may be allowed fifteen days to redeem stock thus forfeited.

Sec. 6. No person shall own more than twenty shares of stock in this association, and in case any share of stock shall become forfeited in accordance with the foregoing provision, the board of directors shall dispose of the same to the highest bidder in such manner as the by-laws may direct, provided, that one-half the proceeds shall be returned to the shareholder whose stock has been forfeited.

Sec. 7. Whenever one hundred shares shall have been subscribed and three months' installments paid in, this association shall be deemed organized and competent to transact business under this charter, and be entitled to all the grants and privileges hereunder.

Sec. 8. Service of any and all legal proceedings in any suit against this association shall be sufficient if made upon the president or secretary.

Sec. 9. Books of subscription shall be opened under the supervision and direction of the corporators herein named, each share entitling the owner thereof to one vote; and when the required amount is subscribed and paid in,

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they shall give notice and proceed to organize said association.

Sec. 19. This act of incorporation shall be in full force and have effect from and after the date of its passage for and during the period of thirty years.

Approved May 31st, 1873.

CHAPTER CCLXVII.

An Act to incorporate the Town of Elgin, in Bastrop County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Elgin, in the county of Bastrop, be and they are hereby declared and made a body politic and corporate, under the name and style of the "Corporation of Elgin;" by which name they may sue and be sued; plead and be impleaded; acquire and hold property, both real and personal, and sell and dispose of the same at their will and pleasure.

Sec. 2. That the area of said corporation shall be one mile square, to be so laid off that the present railroad depot building shall be in the center of the corporate limits.

Sec. 3. It shall be the duty of the citizens of said corporation to elect a mayor, four aldermen and a marshal, who shall hold their offices for one year, and until their successors are elected and qualified. The first election to be held on the first Monday in January, in 1874, and all subsequent elections on the same day in each year thereafter. The mayor and aldermen shall compose the town council, any three of whom shall constitute a quorum for the transaction of all business. Said council shall have power to pass such rules, regulations, ordinances and laws as may be necessary for the regulation of the police, and preservation of the peace, order, quiet, and good health within the corporate limits of said town; and to impose such punishment, both by fine and imprisonment, as may be necessary to enforce the proper observance of the same; provided, however, that no fine shall exceed two hundred dollars, and no imprisonment shall exceed fifteen days, for any single offense.

Sec. 4. Said council shall have the power to impose

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a direct property and license tax upon all such property, persons and employments as are liable to taxation under the Constitution and laws of the State, and to enforce the collection of the same under such rules and regulations as they may adopt; provided, that no property tax shall exceed, for any one year, one-half of one per cent. of the value of said property; and no license tax greater than two hundred dollars shall be annually imposed on any one person or firm; and provided furthermore, that no tax shall ever be levied by said council upon any property, real or personal, owned, occupied and used exclusively for church, educational or charitable purposes.

Sec. 5. Said council shall have exclusive control and supervision over all streets, sidewalks, alleys and highways within the corporate limits of said town, and they shall cause to be raised by taxation a sufficient sum of money as may be necessary to improve and keep the same in good repair.

Sec. 6. Said council shall, at their first regular meeting, elect one of their number treasurer, who shall act as secretary of said council, and shall, before he enters upon the discharge of his duties, take and subscribe the oath of office prescribed by the Constitution of this State, and give bond to said corporation, in such sum as may be required by said council, for the faithful performance of his duties, and shall receive such pay for his services as may be allowed him by said council.

Sec. 7. The marshal, before entering upon the duties of his office, shall take and subscribe the oath of office prescribed by the Constitution of this State, and give bond and security to the corporation for the faithful discharge of his duties, in such sum as may be designated by the council, and it shall be his duty to execute all process issued to him by the mayor; suppress all riots and disorderly assemblies; make all arrests, with or without warrant, of persons for violation of any of the corporate laws; he shall have power to call to his aid the citizens within the corporate limits, and may execute process beyond the limits of the corporation; provided, the offense upon which the process is based was committed within said limits; and he shall receive such fees for his services as are prescribed by law for constables for similar services; he shall, by virtue of his office, be the assessor

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and collector of taxes for said corporation, and for such services shall be allowed such fees as the council may think him entitled to.

Sec. 8. The mayor shall take the oath of office prescribed by the Constitution of this State, and give bond for the faithful discharge of his duties, in such sum as the council may determine. For all services rendered by him, he shall receive such fees as are allowed justices of the peace for similar services; and he shall have jurisdiction to try and determine all infractions and violations of the laws of the corporation, under such rules as may be prescribed by the council. He shall have power to issue such warrants and process as may be necessary to enforce his jurisdiction.

Sec. 9. In case of a vacancy in the office of mayor, aldermen or marshal, by death, removal or otherwise, an election shall be immediately held to fill the unexpired term, in the same manner and form as prescribed for a general election. Should the office of mayor become vacant, the council shall elect one of their number to act as such until a mayor shall have been elected; and in case of vacancy of the office of marshal, the council may depute some competent person to act as such, until a marshal can be elected.

Sec. 10. The mayor shall not vote in any of the proceedings of the council, except there be a tie, when he may cast the deciding vote .

Sec. 11. It shall be the duty of the mayor and marshal to cause an election to be held on the first Monday in January in each year, by giving notice thereof at least ten days before the election, for the election of all officers herein provided for; and should the mayor and marshal refuse to order any such election, then any five citizens of said corporation may order and hold said election, after giving five day's notice. All persons who reside within the corporate limits, and are entitled under the laws of this State to vote, shall, under this fore the election, for the election of all officers herein provided for. And the mayor shall have power to order elections to fill vacancies that may occur by reason of death, resignation or otherwise.

Sec. 12. The officers of this corporation shall hold their offices for the term of one year, beginning ten days after the first Monday in January in each year.

Sec. 13. That R. V. Standifer shall be the mayor, J.

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A. Case the marshal, and L. Hellman, B. Harris, James P. Reynolds and L. C. Cunningham the alderman of said corporation, until the tenth day after the first Monday in January, 1874; and should any vacancy occur in any of said offices before the date last mentioned, it shall be filled in the manner hereinbefore prescribed.

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved May 31st, 1873.

CHAPTER CCLXVIII.

An Act to incorporate the Wilson Creek and Colorado Canal Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. A. Price, E. S. Rugely, D. E. E. Braman, Conrad Franz, J. Burkhart, O. D. Bonmelle, John Z. Craven, and their associates and successors, be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation to be styled "The Wilson Creek and Colorado Canal Company."

Sec. 2. That a majority of the commissioners shall constitute a board for the transaction of business, and shall hold meetings from time to time until directors shall be elected.

Sec. 3. That at the time of subscribing to the stock of this company, five per cent. of the amount subscribed shall be paid to the commissioners or directors, and whenever the sum of two thousand dollars shall be subscribed, the company shall be fully organized for the transaction of business.

Sec. 4. The subscribers to the capital stock of this company are hereby created a body politic and corporate, under the name and style of "The Wilson Creek and Colorado Canal Company;" with the capacity to sue and be sued, plead and be impleaded; to have succession and a common seal; to grant and receive, and to perform in general all such things as are necessary and proper to maintain their rights and this act.

Sec. 5. The capital stock of this company shall be twenty-five thousand dollars, to be increased to such an

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amount, if required, as may be requisite to carry out the object of their company, divided into shares of one hundred dollars each; each share shall entitle its holder or owner to one vote at all elections, and a majority of stockholders shall govern; the said shares shall be deemed personal estate and only transferable on the books of the company.

Sec. 6. The direction and control of the company and its affairs shall be vested in five directors, to be chosen by the stockholders at an annual meeting, which shall be held in the city of Matagorda, whenever two thousand dollars shall be subscribed and paid for as provided for.

Sec. 7. A majority of the board shall constitute a quorum to do business; at their first meeting they shall elect one of their number president, one vice president; the board shall appoint a secretary, a treasurer, and other officers requisite to carry on the business of the company.

Sec. 8. That the said company, when duly organized, shall be and is hereby invested with the right of locating, excavating, constructing, owning, operating and maintaining a canal, commencing at or in the vicinity of the fork of Wilson creek, in Matagorda county, and running to the most accessible point on the Colorado river, above the raft, with the privilege of constructing all such works as may be deemed necessary to the successful construction and maintenance of said canal.

Sec. 9. It shall be lawful for said company to enter upon, purchase, or otherwise receive, take, hold, and appropriate, any lands necessary for locating, constructing, excavating or embanking, and maintaining said land, with all the appurtenances necessary for the use of said canal; when land cannot be obtained by agreement, the land taken by the canal shall not exceed one hundred and fifty yards in width on either side of the canal, unless for building dams or other necessary conveniences during the construction and operation of the said canal.

Sec. 10. That said corporation shall have the right to cross all public highways that it may be necessary to cross to establish and complete said canal.

Sec. 11. That the said canal company shall have the power to borrow money, issue bonds or bills of credit, with or without mortgage; provided, it is done by and in conformity with the vote of two-thirds of the directors; and generally this company shall have all the power requisite to carry into effect the objects of this company.

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Sec. 12. That this company may construct and cause this canal to be of the width sufficient to pass such crafts as are able to navigate the said Wilson creek to the aforesaid point of junction.

Sec. 13. That this company shall have power to charge and collect such rates of toll as may be deemed just and proper, subject at all times to such rates and to such laws as are now in force, or may be hereafter enacted in relation to canals for navigation.

Sec. 14. The first meeting of this company shall be collected whenever two thousand dollars of the stock shall be subscribed, by giving thirty days notice to the stockholders; and shall then proceed to elect directors, who shall hold their offices until the annual election, which shall take place in the city of Matagorda on the first Monday in November in each year. No person can be a director unless he owns at least two shares of the stock.

Sec. 15. That the charter shall remain in force for the period of fifty years from date; that the company shall receive from the State such assistance as may be granted to any canal company for a like number of miles of navigable canal of equal depth and width in water, not to exceed in any case sixteen sections of land for each mile of completed navigable canal; provided, that no part of Wilson creek, or the Colorado river now navigable, shall be included in the distance for which aid may be granted by the State. And upon the completion of said canal, it shall be the duty of said company to report the fact to the Governor of the State, who shall appoint some suitable person, at the charge and expense of said company, which charge shall be paid in advance by said company to said agent, and the said agent shall proceed to inspect said canal, and if he find that the said canal is in accordance with the requirements of this act, he shall report the same to the Governor of the State, whose duty it shall be to immediately notify the Commissioner of the General Land Office, and the said commissioner shall proceed to issue to the said company the number of land certificates of six hundred and forty acres each, to which it may be entitled under the provisions of this act; and the said company shall locate said certificates in alternate sections, the odd sections being set apart to said company, and the even sections reserved to the school fund, as provided by law; provided, that the State shall in no case be

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liable for any deficiency of public domain, and any unlocated certificates to said company shall constitute no claim against the State by reason of exhaustion of the vacant domain of the State.

Sec. 16. That this act be, and shall take effect and be in force from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXIX.

An Act amendatory of and supplementary to an act entitled "An Act to amend sections two and twelve of 'An Act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas,'" approved August 12th, 1870, passed April 28th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That section twelve of an act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas, approved August 12th, 1870, passed April 28th, 1871, be so amended as hereafter to read as follows: Sec. 12. That said company shall commence the construction of said railway at the town of Hempstead, within twelve months from the passage of this act, and shall complete twenty miles of said railroad by the first day of June, 1875, and shall thereafter complete thirty miles of said road per year.

Sec. 2. That the State of Texas hereby donates and grants to said company sixteen sections of land, of six hundred and forty acres each, for each mile of railroad said company may complete and put in good, substantial running order on said line, as hereinafter provided. Whenever and as often as said company shall complete a section of ten or more miles of said railroad, they may inform the Governor of the fact, and it shall be his duty

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to appoint some skillful engineer to examine said road, whose duty it shall be to examine the same and report thereon, under oath, to the Commissioner of the General Land office; and if it shall appear from such report that said railroad has been completed and put in good, substantial running order, in accordance with the charter and the laws of this State, the said commissioner shall issue to said company sixteen land certificates, of six hundred and forty acres each, for each and every mile of railroad so completed by said company.

Sec. 3. That the land certificates issued to said company, under the provisions of this act, shall be located and surveyed, and in alternate sections, upon the unappropriated public domain of the State; that is to say, for each certificate so issued said company shall cause to be surveyed two sections of land, of six hundred and forty acres each, adjoining, and shall return to the General Land Office the field notes and maps, whereupon the Commissioner of the General Land Office shall number said sections, and shall issue to said company, or their assignees, patents to the odd sections, the even sections being reserved to the State for the school fund; provided, the State shall, in no event be responsible or liable for any deficiency in public domain; and the certificates issued to said company under the provisions of this act, not located because the public land has been exhausted, shall constitute no claim against the State.

Sec. 4. That said railroad company shall alienate the lands acquired under the provisions of this act as follows: one-fourth in eight years; one-fourth in twelve years, and one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the issuance of said certificates, except so far as is proper and necessary for the use and conducting the business of such company; provided, said company shall not alienate said land to any other corporation, except so far as may be necessary and proper for the conducting the business of such company; nor to any person, firm, or corporation, in trust for said company; nor to any firm, or corporation, or company of which any of the officers or stockholders of said company are members; and any violation of, or failure to comply with the provisions of this section by said company shall work a forfeiture of all the benefits secured by this act.

Sec. 5. That the said railroad company shall be subject

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to the laws of this State now or hereafter to be in force; and the State of Texas reserves the right, at any and all times, to regulate the freights and charges upon said road, and to regulate, at any and all times, the conduct of said company as a common carrier.

Sec. 6. That this company shall not sell, lease or rent its road-bed, or sell its franchise to any other parallel, connecting or competing line of railroad in this State, or purchase or be merged in, or consolidate with any such parallel, connecting or competing line of road; and a violation of the provisions of this section shall terminate its corporate existence and power; and any such sale, leasing, renting, purchase, merger or consolidation shall be null and void, but the prohibition herein contained shall not so construed as to prevent said company from leasing, renting or purchasing, or becoming the joint owner of such portion of any other road as may form a link in or continuation of its line of road, so far as such link or continuation may constitute one common and continuous track or line of road.

Sec. 7. That the charter of this company shall remain and be in force for the period of sixty years, and no longer. That this act shall take effect and be in force from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXX.

An Act to prohibit the sale of intoxicating Liquors within two miles of Valley Mills Academy, in Bosque County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person, either with or without a license, to sell, barter, or in any man-

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ner dispose of any spirituous, vinous or other intoxicating liquors within two miles of the school house known as the Valley Mills Academy, in Bosque county, except for medical or sacramental purposes; and any person violating the provisions of this act shall, upon conviciton thereof before any court having jurisdiction, be deemed guilty of a misdemeanor, and be fined in any sum not less than ten nor more than one hundred dollars.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXI.

An Act to prohibit the sale of intoxicating Liquors within certain limits of Jonesborough School, in Coryell County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons to dispose of any intoxicating, vinous or spirituous liquors, by sale or otherwise, except for medical or sacramental purposes, within one mile of Jonesborough School, in Coryell county, Texas.

Sec. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction shall be fined in a sum not less than ten nor more than one hundred dollars for such offense.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of

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June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.

CHAPTER CCLXXII.

An Act to prohibit the selling, bartering, giving away, or in any other manner, disposing of alcoholic, spirituous or any other intoxicating Liquors within certain limits.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person to sell, barter, give away, or in any other manner dispose of any alcoholic, spirituous or other intoxicating liquors of any kind, within three miles of any of the following named places, viz.: Parson's Female Seminary, and Pleasant Hill Male and Female Seminary, in Travis county; Mount Green High School, Cedar Grove Academy, and Pleasant Hill Institute, in Bell county; academy at Rainey's Creek Village; Shiloh School House, and Oak Grove, in Coryell county; Quartz Hill Institute, in Burnet county; Owensville High School, in Robertson county; Lee Academy, and Grand View Academy, in Johnson county; Pecan Grove Male and Female School, in Hill county; Odd Fellows' Male and Female College, in Upshur county; Centre Point, in Kerr county, and Carter's Institute, in Milam county; Mountain Home, Bell county; except for sacramental purposes, or for medicinal purposes, on the prescription or recommendation of some practicing physician, known and recognized as such in the vicinity where such prescription may be filled.

Sec. 2. That any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, on information of indictment, before any court having competent jurisdiction shall be fined in any sum not less than twenty nor more than one hundred dollars for each and every such offense; one-half of said fine to be paid to the informer, and the other half into the county treasury. And the jury may, in ad-

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dition to the fine, assess a further punishment of confinement in the county jail for any time not to exceed twenty days.

Sec. 3. That this act shall take effect thirty days from and after its passage.

Passed May 31st, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXIII.

An Act to submit the permanent location of the County Site of El Paso County to a vote of the People of said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That at the first election held for State or county officers in the county of El Paso, after the passage of this act, each qualified voter of said county voting at said election may have placed upon the ballot voted by him at said election the name of some town in said county as the choice of said voter for the permanent county site or seat of government of said county. And it is hereby made the duty of the officers, judges and clerks of said election, in counting the votes for state or county officers cast at said election, to count in the same manner, and under the same penalties as is provided by law, the votes cast for the permanent location of the county site of said county at said election, and to make return of the same to the presiding justice of said county; said returns to be sealed and endorsed on the outside of the envelope, "Election Returns, Precinct No. ....., for County Site;" and the presiding justice shall not then open said returns, but shall call a special meeting of the County Court, giving at least five days notice thereof, and when the county court has convened, the presiding justice shall lay before it the sealed returns from the dif-

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ferent precincts, and the County Court shall thereupon proceed to canvass said returns, and if it shall appear that any town in said county has received a majority of all the votes cast for the permanent location of the county site, then the town receiving such majority of votes shall be permanent county site or seat of government of El Paso county.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 31st, 1873.

CHAPTER CCLXXIV.

An Act to incorporate the Hibernian Benevolent and Mutual Aid Association, of Austin, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That James McCullough, William C. Carroll, J. P. Blessington, B. O'Malley, James K. Farrell, James Powers, John McGowan, James O'Reilley, Edward Parker, N. B. Mitchell, W. H. Gaynor, Patrick Quinn, Simon Carr, Cornelius Regan, John Cassidy, Martin Belger, James Simms, John Sheehan, James Brady, L. Hughes, Samuel Cooper, James Ralston, Peter Burns, Michael Spellman, Dennis Collins, John H. Horan, Wm. Walsh, Peter H. Campbell, J. A. Cunningham, Wm. S. Kelley, John Meid, Chas. McCormick, James B. Cassidy, H. Thompson, M. S. Dunn, James Stacks, John Doran, Charles Fey, together with such persons as they may elect as their associates and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of the "Hibernian Benevolent and Mutual Aid Association, of Austin, Texas;" and by that name they may sue and be sued; plead and be impleaded; prosecute and defend in any of the courts of the State; contract and be contracted with; may have a common seal, and the same make, break or alter at pleasure; may acquire, have and hold property and estate, real personal or mixed, by gift, devise, purchase or bequest (not to exceed in value at any one time one hundred and fifty thousand dollars), and the same to buy, sell, exchange, mortgage, transfer, pledge, or other-

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wise encumber or alienate, as said association may deem expedient; and in general to manage and control in such manner as said association may think proper.

Sec. 2. That said association shall make a constitution and by-laws for its government, and shall have power to alter or amend the same at pleasure; and pass such laws, by-laws and regulations as may be necessary to carry out and effectuate the intentions and purposes of said association; and shall in general have and exercise, not repugnant to the Constitution and laws of the United States, and the Constitution and laws of this State, all such rights, privileges and immunities, as are by law and custom incident to, and necessary for corporations of a similar character.

Sec. 3. That this association by the name and style aforesaid, is created for the mutual benefit of the members thereof; to attend the sick, and bury the dead members of said association, and to give aid and assistance to such of its members as may be found to be in distress, as well as to the widows and orphans of its deceased members; and generally to seek the mutual improvement of its members, in virtue, good morals, literature and sciences, and labor in benevolence and charity for the general welfare and happiness of each other.

Sec. 4. That the officers of said association shall consist of one president, one vice-president, one recording secretary, one financial secretary, one treasurer, and one sergeant-at-arms, who shall hold their offices for one year from their election, or until their successors shall be duly elected or qualified. The qualifications, duties, mode and manner of election of said officers, shall be prescribed by the constitution and by-laws of said association.

Sec. 5. That the officers of this association, who have been elected as provided for in the constitution and by-laws of the same, shall continue to hold their several offices until the first day of January, 1874, at which time their terms of office shall expire; and that the next election of officers shall take place on the same day as the expiration of the term of the present incumbents, and annually thereafted, on the first Thursday of January. That whenever a vacancy shall occur in any of the above specified offices, by reason of death, resignation, or removal, the vacancy shall be filled by special election, at such times as the said association may determine.

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Sec. 6. That this charter shall continue in force, unless it be renewed or extended, for fifty years from and after its granting by the Legislature and approval by the Governor.

Sec. 7. That this act shall take effect and be in force from and after its passage.

Approved May 31st, 1873.

CHAPTER CCLXXV.

An Act to incorporate the City Bank of Dallas.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. C. Jordan, J. R. Couts, C. C. Slaughter, and Wm. E. Hughes, and such other persons as they may associate with them, and their successors, be and they are hereby constituted and created a body politic and corporate, under and by the name and style of "The City Bank of Dallas;" and by said corporate name shall have succession; may own property, real, personal and mixed, and may mortgage and alien the same; may have and use a corporate seal; and may sue and be sued; and in all suits against the corporation, service may be made on either the president or the cashier.

Sec. 2. The legal domicile of the said corporation shall be in the city of Dallas, county of Dallas, State of Texas, where its office shall be situated, and where shall be carried on all of its operations of discounts and deposits, and where it shall be empowered to deal in foreign and domestic exchange, bank notes, coin, bullion, and other things of value; to buy and sell the stock of any other incorporated company, as well as the stock, scrip, and bonds of any county, city or State. To make advances upon wool, cotton, stock, grain, and other things of value; to loan money at interest, and upon securities, real or personal; and to do and perform all acts incident and appertaining to a general banking business; provided, that said company shall not be empowered to purchase more real estate than may be necessary to carry on a legitimate banking business.

Sec. 3. The capital stock of said company shall be two hundred and fifty thousand dollars, and shall be di-

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vided into shares of one hundred dollars each, and when the whole number of shares shall have been subscribed for, and at least twenty per cent of each share shall have been paid in, in cash, before the said company shall commence business. Said shares shall be regarded as personal property, and shall be transferable on the books of the company, and in such manner as may be provided for in the by-laws, and all unpaid balance due upon shares shall be paid in, in monthly installments, upon assessment and call of the directors, as shall be provided for in the by-laws, until the whole amount of said shares shall be paid in, in cash; provided, that no assessment upon any one share shall in any one month exceed ten per cent. of the whole amount of such share; and further provided, that at least thirty days notice shall be given to each stockholder of each assessment, and that all assessments shall be uniform.

Sec. 4. The capital stock of said corporation may, upon vote of two-thirds of the stockholders, be increased to any sum not exceeding five hundred thousand dollars, and all stockholders shall have the privilege of taking such increased stock pro rata, that is in proportion to the stock by them already owned.

Sec. 5. The entire management of the affairs of the said company shall be entrusted to a board of directors of not less three nor more than five in number, who shall be elected annually by the stockholders; said annual election, after the first election, to be held at the office of the company in the city of Dallas, on the first Tuesday in June of each year; each and every stockholder shall, at such election, be entitled to one vote for each share he may own, and a majority of the shares shall in such cases be represented.

Sec. 6. The directors shall elect a president and vice president and cashier, the first two of whom shall be elected from the board of directors, and shall hold their office (unless removed as shall be authorized by the by-laws) for the term of one year, and until their successors are elected and shall qualify.

Sec. 7. All other officers and employes of the company shall be chosen by the directors; and the directors may delegate to the president and cashier such powers as may in their judgment be advisable for them severally to exercise in the control and management of the business,

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and such as under the by-laws they may be authorized to delegate. In case of vacancy in the office of director, the survivors shall act until the next general election, or the surviving directors may choose from the stockholders other members to fill such vacancy.

Sec. 8. No person shall be eligible to the office of director who does not own in his own right at least ten shares of the capital stock, and who is not a resident of the state.

Sec. 9. It shall be the duty of the persons named in the first section of this act, at any time within three months after the passage of the same, and within thirty days after all the capital stock shall have been subscribed for, to call a meeting of the stockholders—the said stockholders to have ten days notice of the time and place of said meeting—for the purpose of organizing the said corporation, by the election of directors; and said directors shall, within thirty days after their election proceed to perfect their organization in accordance with the provisions of this act; and the said corporation shall commence business as soon thereafter as the said twenty per cent. of the whole amount of the capital stock shall have been paid in.

Sec. 10. The said stockholders may make by-laws for the government of its officers and employes, and for the conducting and general management of its business, not inconsistent with the provisions of this act; and said by-laws shall remain in force until they shall be altered or amended at a meeting of the stockholders.

Sec. 11. All obligations of the company shall be signed by the president or cashier, and by both when the by-laws shall so require.

Sec. 12. Be it further enacted, That this act of incorporation shall be and remain in force for the period of fifty years, and that the same take effect and be in force from and after its passage.

Approved May 31st, 1873.

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CHAPTER CCLXXVI.

An Act to incorporate the City of McKinney, Collin County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants within the following described limits, to-wit, beginning at the center of the public square, in the town of McKinney, in Collin county, running thence south, forty (40) chains; thence west forty (40) chains; thence north, eighty (80) chains; thence east, eighty (80) chains; thence south, eighty chains; thence west to the place of beginning (including the present town of McKinney), constitute a body corporate and politic, with perpetual succession, under the corporate name of the "City of McKinney;" with power to contract and be contracted with, sue and be sued; to purchase and hold property, real, personal and mixed, and use, improve and dispose of the same for the adornment, use and benefit of said city, and have a corporate seal for authentication of their acts.

Sec. 2. That all the rights, privileges, franchises and property owned by the town of McKinney, inure to the benefit of the city of McKinney, and that said city succeed to all the debts, obligations and incumbrances of said town.

Sec. 3. That the general laws of the State of Texas applicable to such corporation be applied to and govern said city, except as otherwise provided herein; and that said city have such additional powers as hereinafter set forth.

Sec. 4. That vacancies in elective officers be filled by election.

Sec. 5. There shall be elected by the qualified electors of said city, a city attorney, whose duty it shall be to prosecute all offenses cognizable before the mayor, and who shall have the power to subpoena witnesses and compel their attendance before the mayor, to testify concerning offenses cognizable before the mayor. He shall receive in convictions for violations of the laws of the State the same fees as are allowed district attorneys in similar cases before justices of the peace, and for violations of city ordinances such fees as may be prescribed by the city council, which fees shall be taxed against the defend-

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ant and collected as other costs; provided, should the defendant be unable to pay the same, such fees shall not be paid by the city.

Sec. 6. The mayor shall receive, in addition to the fees of his office, such salary as may be fixed by the council, not to exceed three hundred, and not less than one hundred dollars per annum.

Sec. 7. The terms of all elective officers shall be for one year from the date of their election, and until their successors shall qualify; officers appointed may be removed at discretion.

Sec. 8. All fines collected on convictions before the mayor, whether for violations of State laws or city ordinances, shall constitute a fund for city purposes; provided, that said city shall be at the expenses of keeping the prisoners in the State cases tried.

Sec. 9. Said corporation shall have the power, and it shall be their duty, to enact such ordinances and take such measures as may be necessary or useful for the security or promotion of the health of said city, and appoint such officers as may be necessary for the execution of the same.

Sec. 10. Said corporation shall enact such ordinances and take such measures as may be deemed necessary for the protection of said city against fire.

Sec. 11. Said corporation shall have the power to open, extend and widen streets and alleys, whenever or wherever deemed necessary; provided, the consent of the owner of property where such street or alleys are proposed to be extended, widened or opened, shall first be given; and provided further, that no street shall be opened that will cause the street and road, as now laid out, leading from McKinney to Dallas, to be changed, altered or closed up, but the same shall be left as it now exists, and the streets shall either terminate in said street and road, or run parallel therewith; and whenever it shall become necessary, with consent of owner, to appropriate private property for such purposes, they shall proceed in the manner prescribed by law for the condemnation of private property by railway companies.

Sec. 12. Said corporation shall provide for the grading and improvement of the streets of said city, wherever necessary, and may levy a special tax for that purpose, not to exceed in any year one-half of the amount author-

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ized by law for general purposes; shall provide for the construction of sidewalks out of the street fund, shall regulate the grade and width of the same, and prevent the obstruction of them.

Sec. 13. Said corporation shall have the power to take stock, or make a loan or donation, to aid in the construction of any railway, public building, or work of internal improvement; or any enterprise which will inure to the benefit of said city in the manner prescribed by law for counties, cities, and towns to aid in the construction of railways or other works of internal improvement.

Sec. 14. Said corporation shall have the power to enact ordinances declaring what are nuisances, and abate the same, and punish the offender or offenders; to prevent and punish noisy, indecent, or offensive language and conduct on the streets, or within the public view or hearing; to regulate houses for the retail of spirituous liquors; to regulate bawdy houses or houses of ill-fame, to license or abate the same; and generally to enact any ordinances, not inconsistent with the laws of this State, which may be deemed necessary for the good government of said city, and the promotion of the prosperity, morality and good reputation of the same, and the security and conveniences of the inhabitants thereof.

Sec. 15. The officers of the town of McKinney shall continue to exercise the duties of their offices under this act, until the expiration of one year from the date of their election, at which time a general election shall be held, and in other respects the government of said town of McKinney shall continue under this act, except in the respects in which it may be insufficient, or inconsistent herewith.

Sec. 16. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER CCLXXVII.

An Act to provide for the Improvement of the Navigation of the Trinity River, and to grant the Aid of the State therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That a board of five commissioners, to be appointed by the Governor from among the largest shippers of the counties of Galveston, Liberty, Polk, Trinity and San Jacinto, are hereby constituted with full power to superintend, contract for, and control the opening and cleaning out of the Trinity river, from White Rock Shoals, in Trinity county, to Moss Bluff, in Liberty county.

Sec. 2. That the said board of commissioners so appointed shall, within six months from the date of the passage of this act, enter into contract with solvent, reliable and experienced contractors, to open and thoroughly clean out a channel in said river, at least one hundred feet in width, by cutting or sawing off, digging out, or otherwise removing all obstructions below what is now considered too low for navigation, and to girdle or cut down all trees likely to obstruct the navigation of said river, for each and every mile of said river from White Rock Shoals to Moss Bluff, in Liberty county.

Sec. 3. That the Governor of the State of Texas is hereby authorized and required to appoint a competent and skillful engineer to examine and pass upon each and every mile of said river so opened and freed from obstructions; and the said engineer so appointed, when he shall have inspected and approved of said work, shall file a certificate, under oath, with the Comptroller of Public Accounts of the State of Texas, setting forth the number of miles of said river opened and cleaned out, as required by the terms of this act; and for each and every day actually employed in inspecting said work so done in said river, the said engineer shall be entitled to the sum of eight dollars, to be paid out of the Treasury of the State of Texas; provided, that not more than one day shall be consumed by said engineer in inspecting each five miles of said river.

Sec. 4. That upon the filing of the certificate of the engineer, as provided for in the third section of this act, the Commissioner of the General Land Office of the State

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of Texas shall issue, or cause to be issued, to the contractor, or contractors, who shall open and clear out said river, for each and every mile of said river so opened, four certificates, each for six hundred and forty acres of land.

Sec. 5. That the certificates issued to said contractor or contractors, under the provisions of this act, shall be located and surveyed in alternate sections; that is to say, for each certificate two sections of land, of six hundred and forty each, adjoining, shall be surveyed, and the field notes and maps thereof returned to the General Land Office, whereupon the Commissioner of the General Land Office shall number said sections, and cause to be issued to said contractor or contractors, or their assignees, patents to the odd sections, the even sections being reserved to the State for the school fund; provided, always, that the State of Texas shall not be responsible for a deficiency of public domain.

Sec. 6. That said contractor, or contractors, shall complete the work contemplated in section second of this act by the first day of January, 1875, and shall take no benefit under this act for work done after that time.

Sec. 7. That the land obtained under the provisions of this act shall be alienated by said contractor, or contractors, as follows: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, from the date of the certificates; provided, that the same shall not be sold to any company or corporation except so far as may be necessary for the proper use, and necessary for the conducting the business of such company or corporation, or to any person, firm, or company in trust for said contractor, or contractors; and a failure to comply with, or any violation of the provisions of this section shall work a forfeiture of all lands not alienated as required by this act.

Sec. 8. That this act shall take effect and be in force from and after its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitu-

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tion, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXVIII.

An Act to promote the speedy construction of a Canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Texas and Mississippi River Canal and Navigation Company, of Galveston, incorporated on the 17th day of March, A. D. 1872, under and in accordance with the provisions of the act concerning private corporations, approved December 2d, 1871, shall be and is hereby invested with the right of locating, constructing, owning, operating and maintaining a canal and line of inland water communication, commencing at Hanna's Reef in the east bay of Galveston Bay, and thence by the line that may be found best and most practicable for a connection with Sabine Lake at or near to Sabine city; said canal to be not less than fifty feet wide and six feet deep; and said canal company shall have the right to cross all public highways, and to deepen, straighten, or otherwise improve the navigation of all streams across or along the course of which it may be necessary to construct said canal; provided, that wherever said canal crosses any public highway or railroad, bridges or ferries shall be established and maintained by said company; provided, that nothing in this act contained shall in anywise interfere with or impede any right of way that may now or hereafter be granted to the United States of America for the establishment of a coastwise canal along the coast of Texas; provided further, that nothing contained in this act shall in anywise validate or invalidate any subsidy, real or pretended, from the county of Galveston.

Sec. 2. It shall be lawful for said company to enter upon, purchase, or otherwise receive, take, hold or obtain any lands for the purpose of locating, constructing and maintaining said canal and line of inland water communication, with all the necessary depots, turnouts, basins, extensions and piers connected with said canal. When

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land cannot be obtained by agreement with the owner or owners thereof, said company shall pay such compensation as shall be determined in the manner hereinafter set forth; provided, that the land taken for this canal shall not exceed two hundred feet in width, unless for basins and buildings.

Sec. 3. Any person or persons whose land has been taken as aforesaid without agreement or satisfactory compensation, may apply to the district court of the county in which said land is situated for the appointment of appraisers, and said court shall thereupon appoint three disinterested freeholders of said county, who shall appoint a time and place to hear the applicant and said company, to whom shall be given by said freeholders reasonable notice of the time and place of said hearing; and said freeholders shall, after being duly sworn, and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award at the next succeeding term of said court; and said award, if not rejected by said court for sufficient cause then shown, shall be entered up as the judgment of said court. In determining the question of compensation, said freeholders shall be governed by the actual value of said land at the time it was taken, taking into consideration the benefits or injuries done to other lands, the property of its owner, by the construction of said canal. And if the amount of compensation awarded by said freeholders shall not exceed the amount by said company to the owners prior to said application to the court, the applicant shall pay the cost of the proceedings; otherwise, the company shall pay the same. During the inquiry as to the value of said land or the damage done to the estate of the owner, said company shall in no manner be molested or hindered in the prosecution of their work thereon, or occupation of the same, by any writ or process from any court of this State.

Sec. 4. In order to secure and promote the rapid construction of said canal and line of inland water communication, and thereby afford cheap and necessary facilities for navigation between the waters of Galveston Bay and those of Sabine Lake, and of the Neches, Angelina and Sabine rivers, the said Texas and Mississippi River Canal and Navigation Company shall be entitled to receive from

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the State a grant of sixteen sections, of six hundred and forty acres each, of land for every mile of canal and line of inland water communication constructed and opened to navigation between Galveston Bay and Sabine Lake, as hereinbefore set forth.

Sec. 5. That upon filing with the Commissioner of the General Land Office of a report of a competent engineer, duly apponted by the Governor for that purpose, whose report shall be made under oath, that he has examined a section of five miles of said work, and that the same has been constructed and completed as hereinbefore set forth, said Commissioner of the General Land Office shall issue to said company certificates of six hundred and forty acres each, equal to sixteen sections, for each mile of said section of five miles; and on the completion of each and every further section of five miles of said work, said company may apply for and shall receive a like grant of sixteen sections per mile of such five miles; and on the completion of said work, should there appear a remaining fraction of said line less than five miles, then, upon a like report of a commissioner duly appointed for that purpose by the Governor, said company may apply for and shall receive a like grant of sixteen sections of land for each mile of such fraction of said line; which certificates may be alienated, or located and patented on any vacant lands in the State, in the manner by law provided. The said certificates shall be located and surveyed in alternate sections, and field notes and maps of the same shall be returned to the General Land Office, and the odd sections patented to said company, and all the alternate or even sections shall [be] reserved and held, and set apart and appropriated to, and shall constitute a part of the common school fund, as provided by the laws of this State now in force or that may hereafter be enacted. And the said corporation shall alienate the lands herein granted as follows; one-fourth thereof in eight years; one-fourth in ten years; one-fourth in twelve years; and one-fourth in sixteen years, from the time of the issuance of patents thereto; provided, the State of Texas shall in no event be responsible for a deficiency of public land; and said certificates issued to said company under the provisions of this act, not located because the public lands are exhausted, shall constitute no claim against the State. The depth of water in said canal shall be not less than four

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feet at ordinary tide. The State reserves the right to regulate the amount to be paid for freight and passage, and the conduct of said company as common carriers; and said company shall be bound by all general laws applicable to canal companies.

Sec. 6. This act shall take effect from and after its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXIX.

An Act to amend the first section of "An Act to establish and incorporate the College of De Kalb," approved January 26, 1839.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of "An act to establish and incorporate the College of De Kalb," approved January 26, 1839, be so amended as hereafter to read and be as follows: Section 1. That said College of De Kalb shall be established at the village of De Kalb, in Bowie county, Texas, and shall be under the superintendence of Solomon Hewitt, W. W. Sanders, Silas McCrary, William N. Boyce, O. P. Moss, R. M. Johnson, James G. Holloway and L. C. Powell, and their successors, and they are hereby invested with all the rights, powers and privileges vested in the trustees of the College of De Kalb, by virtue of said act, passed January 26, 1839; and that the above named persons are hereby named and styled the trustees of the College of De Kalb, and that a majority of said trustees shall constitute a board to transact business for said college, and that said college is hereby revived and re-established, under the original name of the "College of De Kalb."

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Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCLXXX.

An Act to amend section first (1), of article third (3), of an Act to incorporate the City of Austin, approved April 5th, 1873.

Section 1. Be it enacted by the Legislature of the State of Texas, That section first of article third of an act entitled "An act to incorporate the City of Austin," approved April 5th, 1873, be so amended as to read as follows: That the city of Austin shall be divided into (10) ten wards; the boundary [boundaries] thereof shall be fixed by the city council; and by the council changed from time to time, as they shall see fit, having regard to the number of male inhabitants, so that each shall contain, as nearly as may be, the same number of male inhabitants.

Sec. 2. That this act shall go into effect immediately upon the passage thereof.

Approved June 2d, 1873.

CHAPTER CCLXXXI.

An Act to authorize the City of Austin to become a Stockholder in any Company or Corporation for the purpose of supplying said City with Water and Gas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the mayor and city council of the city of Austin shall be and they are hereby authorized to subscribe for stock, for and in the name of the city of Austin, to an amount not to exceed the sum of one hundred thousand dollars, in any company that may be organized to supply said city with water and gas; and the said mayor and city council shall be and they are hereby authorized to issue bonds of said city for the payment of said stock, from time to time, as the said sub-

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scription shall be due and payable, which bonds shall be payable at a period not to exceed thirty years from their date, and may bear interest at the rate not to exceed ten per cent. per annum, payable semi-annually; provided, that this act shall not take effect until it shall be voted upon at an election to be held in said city, at such time as may be ordered by the city council, after not less than thirty days' notice of the time of such election. The managers of said election shall be appointed by the council of the city, who shall hold the election and make returns thereof to the said council as prescribed by the general law governing elections, so far as applicable; those voting for the law shall write on their ballots the words, "I favor the law;" or, if opposed to it, "I oppose the law;" or other words of like import. None but registered voters, resident in the city sixty days before the election, shall be allowed to vote at said election. The council shall call a meeting within ten days after the said election, and make out and record the returns of the election in their minutes; and if it appears that a majority of all voting favor the law, the council will so decree, and enter on their minutes; and from that day this law shall take effect; but if it appear that a majority of those voting are opposed to the law, they will so declare and enter the same upon their minutes; and in that event this act shall not take effect.

Sec. 2. All dividends that may accrue to said city upon the stock so subscribed for shall be and they are hereby set apart, in the hands of said mayor and city council, for the payment of the semi-annual interest on said bonds, and any surplus of said dividends over and above what may be required to pay the annual interest of said bonds shall be used and applied by said mayor and city council to purchase and cancel said bonds.

Sec. 3. That the said mayor and city council shall, as fast as any of said bonds are issued, make provision out of the revenues of said city to meet the semi-annual interest of the same, and to raise two per cent., during each year, of the amount of the bonds issued, to be applied to the payment of the principal, until it is known that the annual dividends accruing from said stock are sufficient for these objects; and afterwards, if said dividends shall prove insufficient at any time to pay said interest, and two per cent per annum of the principal of said bonds, such defi-

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ciency shall be supplied by the mayor and city council from the revenues of said city; provided, that the company is hereby required to furnish to the city [of] Austin, free of charge, all the water necessary to the fire department, market house and city hall; said company are hereby required to construct and furnish two hydrants to each improved block on the principal streets in the city, at such points as may be designated by the council of the city, and said company shall not charge private companies, or individuals, more than five cents per barrel for water, each barrel to contain forty gallons.

Sec. 4. That this act shall take effect from and after its passage.

Approved June 2d, 1873.

CHAPTER CCLXXXII.

An Act to transfer certain Causes now pending in the District Court of Kaufman County to the District Court of Rockwall County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the clerk of the District Court of Kaufman county to make out a certified copy of all the entries on the minutes of said court, of all causes, civil and criminal, now pending in said court, in which the defendant resides in Rockwall county, and deliver the same, with the original papers now on file in his court pertaining to said causes; which causes, when so transferred to said clerk, shall be entered upon the docket of Rockwall District Court, and they shall be tried therein as if they had originated in said court, for which services he shall be entitled to charge the usual fees to be paid as costs in said causes.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER CCLXXXIII.

An Act to incorporate the Middle Texas Fair Association of Navarro County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Joseph Huey, president; W. S. Robertson, vice-president; and F. M. Martin, M. Drane, J. B. Jones, J. K. Smyrle, J. R. Ransom, P. K. Montgomery and J. A. Clayton, board of directors, and their successors in office, be and are hereby declared a body corporate and politic, under the name and style of "The Middle Texas Fair Association;" and [as] such shall be capable of suing and being sued; pleading and being impleaded; contracting and being contracted with, and doing and performing all things necessary to carry into effect the object of this act. They shall have a common seal; and for the further purpose of carrying out the objects and purposes of this association as above declared, said association is hereby authorized to own the necessary real estate for fair grounds, pastures, etc., not to exceed five hundred acres of land, and to erect upon the same such improvements as may be necessary to carry out the objects of the association; and that the fair grounds and other improvements shall be located in the county of Navarro, in said State.

Sec. 2. That there shall not be more than fifty stockholders of said association, each owning one share, which shall be worth fifty dollars ($50), and shall be paid for at the tome of subscription. Said corporation may own real and personal property, not exceeding twenty-five thousand dollars.

Sec. 3. The business of said association shall be conducted by a board of directors elected by the stockholders from among themselves annually, which said election for directors and officers of said association shall be held on the first Saturday in May of every year; and the president shall cause the secretary to notify each stockholder of the time and place of said election at least one month preceding.

Sec. 4. The board of directors shall consist of seven members, besides the president and vice president, who shall be ex officio members of said board. The president

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shall preside at the meetings of said board, and in his absence the vice president, and five shall constitute a quorum for business.

Sec. 5. The board shall have power to make all needful rules and regulations to carry out the objects of the association; and during the holding of any fair, the board of directors shall appoint policemen sufficient to preserve order and decorum, who shall have authority to arrest all disorderly persons and remove them from the grounds, and keep them off till the dispersion of the assemblage for the day.

Sec. 6. That this act shall take effect from and after its passage, and continue in force thirty years.

Approved June 2d, 1873.

CHAPTER CCLXXXIV.

An Act to incorporate the Lake City Navigation Company, and to aid said Company to improve the navigation of Big Cypress Bayou.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. W. Taylor, J. T. Veal, D. B. Culberson, Wm. L. Crawford, W. M. Harrison, James L. Tarver, J. H. Cunliffe, J. J. Byrne, P. M. Graham, W. Q. Bateman, John Phelps, Thompson Camp, John A. Peele, J. P. Russell, W. H. Haywood, V. H. Claiborne and N. A. Birge, and their associates and successors, be and are hereby created a body corporate and politic, by the name and style of "The Lake City Navigation Company;" and by said name shall have succession and a common seal; with capacity to sue and be sued, plead and be impleaded; to make such by laws, rules and regulations as may be necessary for the management or maintenance of its rights under this act, consistent with the Constitution and laws of this State and of the United States. The above named corporation, or a majority of them, shall meet in the city of Jefferson within ninety days from the passage of this act, and elect such officers as may by them seem best to further the objects of the said company, and solicit and accept subscriptions of stock in, or donations to, said company, in cash, lands, or other property.

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Sec. 2. Said company is hereby authorized to open and improve the navigation of Big Cypress Bayou from the upper end of the wharf in the city of Jefferson up said bayou to such point as the same may be found practicable, not above the mouth of Boggy Creek, in Titus county; and to build or purchase such boats as may be found necessary to do the work and navigate the same; to dredge out or deepen the channel of said bayou, and straighten the same, wherever deemed necessary to improve the navigation thereof; to construct and erect such dams and locks as necessity may require to further the objects of the enterprise; provided, the owners of other boats, vessels or water craft shall have the right to use said stream and the navigation thereof, upon the payment to the said company the sum of not more than twenty-five cents per ton, on the tonnage of each vessel or boat, as per custom-house measurement, for each round trip made by the same in any portion of said bayou which said company may improve or make navigable under this charter, for the period of twenty-five years; provided further, that no person or persons shall use said portion of said bayou for floating logs or rafts therein, to the detriment of the navigation thereof, or to the injury of the company's locks and dams; nor without paying to the said company such rates of toll therefor as may be agreed, not to exceed the sum of one dollar for each thousand feet, board measure, contained in the rafts or logs so floated therein.

Sec. 3. That to effect the objects of this enterprise, the said company shall have the right, in their corporate name, to purchase, own, use, sell or lease such houses, machinery, water privileges and water powers, and other property and rights, not to exceed in value one million of dollars; to fix the capital stock of the same in any sum not to exceed two millions of dollars, in shares of one hundred dollars each, transferable as the by-laws of said company may direct; provided, that in the election of officers, and in making by-laws for the government of said company, each share shall entitle the owner thereof to one vote, which may be cast by the said owner, or by proxy, authorized by a written instrument.

Sec. 4. That said company shall permanently organize by the election of a president, vice-president, and not more than nine directors; and shall commence said improvement within eighteen months after the passage of

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this act. The president and vice-president shall be ex officio members of the board of directors, who shall hold their offices for one year, and thereafter until their successors qualify. The directors shall have power to appoint an executive board and other officers and agents, and confer such powers on the same as may be deemed best, or may authorize thee president to do the same.

Sec. 5. That said company shall have the right to remove all timber within said stream, and on or within one hundred feet of the banks of the same, that may endanger the navigation of said stream; and may use any timber and stone within said limits as may be necessary to further the objects expressed herein. Whenever complaint is made by any citizen to said company of any overflow caused by any dam constructed by said company, or for damages for cutting said timber, the said company shall not be enjoined in the prosecution of their said work, but the damages, if any, shall be assessed by arbitration, under the laws of this State, and the parties to said arbitration shall be bound by the decision had thereby.

Sec. 6. That to aid in the construction of said work of internal improvements, said company shall be entitled to receive from the State ten sections of land, containing six hundred and forty acres each, for each and every mile of said bayou improved, as hereinafter described, from said point of beginning, the measurement to be made on the right bank of said stream. The conditions upon which said company shall be entitled to said lands shall be as follows, viz., that they shall, by the removal of the timber, stone, or other impediments to navigation, or by locks or dams, or by deepening the channel of said stream, make the same navigable for boats drawing not exceeding thirty inches of water, at such times as there may be good navigation in said bayou below the city of Jefferson; and whenever the Governor shall be informed that a section of five miles or more of said bayou has been improved as herein required, he shall at once require some competent person to inspect the same; and if the report of the inspector, which shall be made without delay, shall be favorable, the Governor shall immediately give notice of the same to the Commissioner of the General Land Office, whose duty it shall be immediately to issue and deliver to said company certificates for ten sections of land, containing six hundred and forty acres each, for each and

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every mile completed or improved as aforesaid, and so on for each additional five miles thereof; which said certificates shall be located, surveyed and patented on the principle of alternate sections, as required by general law for the location of certificates granted to railroads; provided, that the lands hereby donated by the State, except such portions thereof as may be necessary for protecting the right of way, and for operating the canal and stream, shall be alienated as follows: one-fourth in eight years; one-fourth in twelve years; one-fourth in sixteen years; and the remaining one-fourth in twenty years, after the issuance of the certificates, and any failure to so alienate shall work a forfeiture of the lands so alienated; provided, further, that each section shall be inspected as aforesaid, before any certificates shall be issued; provided, further, that in no case shall the State be in any way liable for deficiency of public domain; and provided, further, that said company shall be entitled to have, own, use and enjoy any of the public domain contained within one hundred feet of the said bayou, on that part which they may improve; and that this act be in force from and after its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXXV.

An Act authorizing the County Court of Cooke County to issue Bonds for the purpose of funding the County indebtedness.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Cooke County be and is hereby authorized to issue bonds of said county, in denominations of fifty dollars and one hundred dollars, to an amount sufficient to cover the present outstand-

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ing indebtedness of said county, due and to become due; said bonds to bear ten per cent. interest per annum, payable semi-annually on the first of July and the first of January in each year, and shall run thirty years, payable at any time after the expiration of five years, at the discretion of the county court of said county.

Sec. 2. The county court of said county shall, as soon as possible after the passage of this act, ascertain and audit the amount of outstanding indebtedness of the county, under such provisions and regulations as they shall deem best, and shall thereafter issue from time to time the bonds of said county to a sufficient amount to cover such indebtedness, as provided in section one (1) of this act; and said county court is hereby authorized to levy and have collected, as other taxes are levied and collected, a special ad valorem tax on all the taxable property of said county, not to exceed one-half of one per cent., for the purpose of paying the interest on said bonds, and to provide a sinking fund for the payment of the principal.

Sec. 3. That this act be in force from its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXXVI.

An Act to authorize the County Court of Walker County to levy and collect a special Tax for the purpose of repairing the Court House and Jail in said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of Walker county be and they are hereby authorized to levy and collect a special ad valorem tax of one-eighth ($\frac{1}{8}$) of one per cent. on all the taxable property in said county, for the pur-

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pose of repairing the court house and jail at the county site thereof, in the town of Huntsville, to be levied and collected as other State and county taxes.

Sec. 2. This act shall take effect and be in force from and after its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXXVII.

An Act to authorize the County Court of Kendall County to levy and collect a special Tax to pay the outstanding Debt of said County.

Whereas, The county of Kendall is in debt, and the tax authorized by law is insufficient to liquidate the same in addition to meeting the current expenses of said county; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Kendall county be and is hereby authorized to levy and collect annually, for the term of six years, a special ad valorem tax, not to exceed forty cents on the one hundred dollars value of all taxable property, real, personal and mixed, in said county; said tax to be collected as are other taxes, and to be appropriated and used solely for the payment of the present outstanding indebtedness of said county.

Sec. 2. That this act take effect from and after its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to

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the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXXVIII.

An Act to prevent the sale or gift of spirituous or intoxicating Liquors within two miles of "Concrete College."

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful to sell or give away any spirituous or intoxicating liquors, ale or malt liquors, bitters, brandy peaches or cherries, or any kind of brandy fruit, or fruit put up in alcohol or intoxicating spirits, within two miles of "Concrete College," an institution of learning, situated at Concrete, De Witt county Texas, except for sacramental purposes.

Sec. 2. Any person who shall violate the provisions of the first section if this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

Sec. 3. That this act take effect and be in force sixty days after its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCLXXXIX.

An Act to incorporate Davilla Institute, in the County of Milam.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Baines, S. M. Anderson, A. E. Vandivere, J. W. McCullough, S. D. Kendall, J. W. Carroll, G. R. Smith, H. Chamberlain and T. A. Upshaw, be and they are hereby incorporated a body politic, under the name and style of Davilla Institute; capable in law of suing and being sued, of pleading and being impleaded; of holding property, real, personal and mixed; of selling and conveying the same at pleasure; and of doing and performing whatever else that may be proper and necessary to be done, for the advancement of said institution, not contrary to the Constitution and laws of this State.

Sec. 2. That this charter and privilege shall extend to said trustees and their successors in office so long as they confine the benefit of the same to the advancement of the sciences and arts, and the promotion of useful knowledge, and no person shall be rejected on account of religion or politics.

Sec. 3. That the trustees and faculty of said institution shall have full power to grant and confer any degree in the arts and sciences, to any of the students of said institution, or any other person or persons by them deemed worthy, as are usually granted and conferred in other institutions and colleges, and to give diplomas, or memorials thereof, signed by the faculty of said institution, and by the president and secretary of said board of trustees, and sealed by the common seal of said institution, to authenticate and perpetuate the memory of such graduations.

Sec. 4. That whenever any vacancy shall occur in the board of trustees, either by death, resignation or otherwise, such vacancy shall be filled by a majority of the remaining trustees, until the next annual election.

Sec. 5. That the names incorporated in the first section of this act shall constitute a board of trustees for twelve months.

Sec. 6. That the trustees of said institution shall have power to appoint honorary members to their number, and

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the said members so appointed may take seats at any meeting of the board, and advise and confer with the members thereof, but in no case shall they be entitled to a vote.

Sec. 7. That said trustees, and their successors in office, shall have full power to enact by-laws, rules, and regulations for the government of said institution, as may seem to them necessary for that object; to elect from their number a president, secretary, and treasurer, and such other officers as may be necessary for the efficient discharge of their duties; and that five members shall constitute a quorum for the transaction of all business.

Sec. 8. That the trustees of said institution shall consist of nine members, who shall be members of Baptist churches, and shall be elected at each annual meeting, on the first Monday in September of each year, by a majority of the stockholders present, and who shall hold their office until their successors are elected and enter upon their duties.

Sec. 9. That the capital stock of said institution shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares shall entitle their holders to cast one vote for each share, at all regular elections, either in person or by proxy.

Sec. 10. That this act shall take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXC.

An Act to amend section two of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to incorporate the City of New Braunfels,'" approved January 7th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act shall be, and the same is hereby so amended as to read as follows, to-wit: Sec. 2. Be it further enacted, That the mayor and aldermen of said city of New Braunfels shall have the exclusive power and control, in relation to all the roads, streets, alleys, ways, bridges and

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ferries, within the corporate limits of said city, and shall have, in regard thereto, the same rights and duties conferred and imposed upon the county courts by the laws of the State, and to levy and collect a road tax for this purpose; and the County Court of Comal county shall not levy and collect any tax for the same purpose, or otherwise exercise any rights in regard thereto within the limits of said city.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXCI.

An Act to amend an Act entitled "An Act to incorporate the Town of Pilot Point, Denton County," passed October 8th, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two (2) of said act shall hereafter read as follows: That it shall be the duty of the citizens of said corporation to elect a mayor, five aldermen, and a marshal, who shall also be ex officio assessor and collector of taxes in and for said corporation, and a treasurer and secretary shall be appointed by said aldermen from their own body. The treasurer and marshal shall be required to give bond, with security, to be approved by the mayor, in such sum as may be directed and required by the board of aldermen, for the faithful performance of their respective duties, and to make report when required by the mayor or board of aldermen; and the mayor shall have power, when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order; (and the mayor shall have the same jurisdiction and power within said corporation, in cases both civil and criminal, that are conferred on justices of the peace within their respective precincts. and his judgments and final orders therein may be revised in the manner prescribed for revising such judgments and orders when made in such cases by justices of the peace.)

Sec. 2. Be it further enacted, that section three (3) of said act shall hereafter read as follows: That an annual

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election shall be held for the municipal officers of said corporation on the second Tuesday in October, under the direction of the mayor, who shall give at least ten days' notice, before the expiration of his term of office, of the time and place of holding said election, by posting notices in writing in at least three public places in said corporation, and in case of failure to hold said election on said day, the board of aldermen shall proceed to give the proper notice for the holding of said election within twenty days thereafter, and direct the manner of holding the same; and provided further, that in case of the death or resignation of the mayor, the board of aldermen shall select one from their number to act as mayor, who shall proceed forthwith to order an election for filling said vacancy, by posting up notices in writing in at least three public places in said corporation, giving at least ten days notice of the time and place of holding said election; and in case of vacancy in the board of aldermen, the mayor shall order an election to fill said vacancy at such time as he may select, giving notice thereof in writing, posted as above required, at least ten days before the day of election, and the person so elected shall serve until the next annual election thereafter; and all election returns shall be made to the mayor, within five days after the holding of any election, who shall proceed to open the same in the presence of the board of aldermen, and declare the result thereof; and the mayor shall issue a commission to the person or persons receiving a majority of the votes in said corporation, for any office.

Sec. 3. Be it further enacted, That section five (5) of said act shall hereafter read as follows: The mayor and board of aldermen of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police, and preservation of order within the corporate limits. To levy an ad valorem tax on all subjects of taxation, which shall not exceed one-half the State tax for any one year; and also to levy an occupation tax on all occupations in the corporate limits, and such tax on occupations shall not exceed, for any one year, one-half of the tax rendered by the State on such corporation.

Sec. 4. Be it further enacted, That section sixth (6) of said act shall hereafter read as follows: That the limits of said corporation shall extend one mile and a half

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in a square form, so laid off as that the center of the public square shall be the center of said corporation.

Sec. 5. Be it further enacted, That during the absence or inability of the mayor to act, from sickness or other cause, the recorder shall perform all the duties of mayor, and the aldermen, from their number, shall elect a recorder pro tempore; and when the recorder shall act as mayor, he shall receive such compensation or fees as may be allowed by the board of aldermen.

Sec. 6. Be it further enacted, That in case of death or resignation of the marshal, the board of aldermen shall have the power to appoint a marshal, who shall act until the next annual election.

Sec. 7. Be it further enacted, That in any suit by or against the corporation, it shall not be necessary to especially plead this act, but the same shall be classed as a general and public statute, as well as the act which it amends.

Sec. 8. That the compensation or fees of each municipal officer of said corporation shall be regulated by the board of aldermen.

Sec. 9. That the board of aldermen and mayor, by ordinance, shall have the power to open such streets and alleys as they may deem proper; provided, that before any new street or alley shall be opened, the said mayor and aldermen shall pay to any person or persons all damages they may sustain by the opening of such new street or alley, such damages to be assessed by two disinterested land holders, residents in said corporation, one to be chosen by the person or persons claiming damages, the other by the mayor and aldermen. If these two cannot agree, then they shall select a third disinterested party, and the verdict of the majority shall bind. The award of the parties shall be made under the sanction of an oath, reduced to writing, and signed by the referees.

Sec. 10. That all laws and parts of laws in conflict with this act be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER CCXCII.

An Act to amend an Act entitled "An Act to incorporate the City of Brenham, and to grant a new Charter to said City," approved February 4th, 1873.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first part of the first section of the second article of said act, headed "Officers and their election," which reads as follows: "An election shall be held in said city on the first Monday in November, A. D. 1876, and on the first Monday in November of every year thereafter, etc.," be and is hereby altered and amended so as hereafter to read, "An election shall be held in said city on the first Tuesday in April, A. D. 1874, and on the first Tuesday in April of every year thereafter, etc." That the latter part of said section and article, which preads as follows: "provided, that the present mayor and board of aldermen shall hold their offices four years from the date of their election. The first election held under this charter shall be held on the first Monday in November, A. D. eighteen hundred and seventy-six (1876), and annually thereafter on the first Monday in November;" be and the same is hereby altered and amended so as hereafter to read, "provided, that the present mayor and board of aldermen shall hold their offices until the first Tuesday in April, A, D. 1874, and thereafter until their successors are qualified. The first election held under this charter shall be held on the first Tuesday in April, A. D. 1874, and annually thereafter on the first Tuesday in April."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER CCXCIII.

An Act to amend the sixth section of an Act entitled "An Act to incorporate the town of Ysleta, in El Paso County," approved May 9th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sixth section of an act entitled "An Act to incorporate the town of Ysleta, in El Paso county," approved May 9th, 1871, be and the same is hereby amended so as hereafter to read as follows: Sec. 6. That there shall be elected by the qualified voters of said town a mayor, who shall hold his office for two years, and until his successor shall be elected and qualified; he shall be the chief magistrate of said town and conservator of the peace; he shall preside over the town council, but shall have no vote, except in case of a tie, when he shall have the casting vote; he shall have such criminal jurisdiction in the trial of all violations of the ordinances of said town as is conferred by law on justices of the peace in similar cases.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXCIV.

An Act to amend an Act Entitled "An Act to incorporate the Magnolia Grove Association," approved June 20th, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act entitled "An act to incorporate the Magnolia Grove Association," be and the same is hereby amended so as to hereafter read as follows: Section 1. That James P. Cale, Philip C. Tucker, John S. Thrasher, James Sorley, N. B. Yard, John B. Root, George W. Grover, D. Wakelee and C. B. Lee, and their associates and successors, are hereby constituted a body corporate, by the name of the "Magnolia Grove Association;" and as such corporation shall have power to contract and be contracted with, sue and be sued, have

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and use a corporate seal; purchase and hold, in fee or otherwise, lands, goods and property; make and alter by-laws, and do all other acts and things, and have and enjoy all other franchises incident to, and necesssary and proper for effecting the object of their incorporation, which is to provide and maintain forever a place of repose for the dead.

Sec. 2. Said corporation shall have no power to sell or convey any land purchased by it for other purpose than that of providing a resting place for the dead, nor to create a lien thereon to insure the payment of money for any purpose except as hereinafter specially provided; neither shall said land, or any improvements thereon, be subject to levy or sale upon any process issued upon any judgment from any court in this State, and shall be forever exempt from any appropriation to public uses.

Sec. 3. The capital stock of the Magnolia Grove Association shall be one hundred thousand dollars, to be raised by subscription, in shares of one hundred dollars each, which shall be deemed personal property, and be transferable on the books of the corporation, in such manner as the said corporation shall, by its by-laws, direct.

Sec. 4. The said corporation shall have the right to raise money by loans for the purpose of opening, enclosing, and improving the said lands, and to create such special liens thereon to secure the amounts of such loans as they may deem proper; provided, that in no case can the said lands be ever applied to any other use than that of a resting place for the dead. Nor shall any lots that have been previously sold for the use of any individual, family or society, be included in any such lien.

Sec. 5. The lands so purchased shall be properly enclosed; and it shall not be lawful for any public highway, street, road, or alley for the use of the public, to be laid through the same by any court whatever, or by the authorities of the county of Galveston, or of any other county, town, city, or other municipality; neither shall said lands, or improvements thereon, be subject to the payment of public taxes.

Sec. 6. The lands so purchased shall be laid off with avenues and walks, divided into suitable lots for the purpose of burying the dead, and arranged and improved according to any plan which may be adopted by vote of the trustees of said corporation.

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Sec. 7. All lots, or parcels of ground, shall be designated and numbered as lots by said corporation, and shall be indivisible. They may be afterwards owned and held by purchasers thereof in individual shares.

Sec. 8. The said corporation may sell or otherwise dispose of said lots to be used exclusively as a cemetery, or a place for the burial of the dead.

Sec. 9. The estate and property of said corporation shall be held, and its affairs shall be managed, by a board of trustees, who shall be stockholders entitled to vote, a majority of whom shall constitute a quorum for the transaction of business. And said board of trustees shall be elected by ballot, and every stockholder shall be entitled to vote at all meetings of stockholders, in person or by proxy, one vote for each share of stock. The trustees of such corporation shall, in all cases, be chosen from among the stockholders as aforesaid, and shall have power to fill vacancies that may occur during the period for which they shall hold office, and to establish by-laws for the association, and rules for the regulation of the cemetery. The first board of trustees shall be composed of the persons hereinbefore named as corporators, and they shall hold office until their successors are duly elected and installed.

Sec. 10. Any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone, or any other structure placed in the cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of said cemetery, or any tomb, monument, or gravestone, or other structure aforesaid, on any cemetery lot within the cemetery aforesaid, or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of said cemetery, or remove from any grave or lot any flowers, wreaths, leaves, or other ornament within said cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, or any court of criminal jurisdiction, be punished by a fine of not less than ten dollars nor more than fifty dollars, according to the nature and aggravation of the offense, and such offender shall also be liable, in an action of trespass, to be brought against him in any court of competent jurisdiction in the name of said corporation, to pay to said corporation all such damages as shall have been occasioned by his unlawful act or acts;

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shall preside at the meetings of said board, and in his absence the vice president, and five shall constitute a quorum for business.

Sec. 5. The board shall have power to make all needful rules and regulations to carry out the objects of the association; and during the holding of any fair, the board of directors shall appoint policemen sufficient to preserve order and decorum, who shall have authority to arrest all disorderly persons and remove them from the grounds, and keep them off till the dispersion of the assemblage for the day.

Sec. 6. That this act shall take effect from and after its passage, and continue in force thirty years.

Approved June 2d, 1873.

CHAPTER CCLXXXIV.

An Act to incorporate the Lake City Navigation Company, and to aid said Company to improve the navigation of Big Cypress Bayou.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. W. Taylor, J. T. Veal, D. B. Culberson, Wm. L. Crawford, W. M. Harrison, James L. Tarver, J. H. Cunliffe, J. J. Byrne, P. M. Graham, W. Q. Bateman, John Phelps, Thompson Camp, John A. Peele, J. P. Russell, W. H. Haywood, V. H. Claiborne and N. A. Birge, and their associates and successors, be and are hereby created a body corporate and politic, by the name and style of "The Lake City Navigation Company;" and by said name shall have succession and a common seal; with capacity to sue and be sued, plead and be impleaded; to make such by laws, rules and regulations as may be necessary for the management or maintenance of its rights under this act, consistent with the Constitution and laws of this State and of the United States. The above named corporation, or a majority of them, shall meet in the city of Jefferson within ninety days from the passage of this act, and elect such officers as may by them seem best to further the objects of the said company, and solicit and accept subscriptions of stock in, or donations to, said company, in cash, lands, or other property.

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Sec. 2. Said company is hereby authorized to open and improve the navigation of Big Cypress Bayou from the upper end of the wharf in the city of Jefferson up said bayou to such point as the same may be found practicable, not above the mouth of Boggy Creek, in Titus county; and to build or purchase such boats as may be found necessary to do the work and navigate the same; to dredge out or deepen the channel of said bayou, and straighten the same, wherever deemed necessary to improve the navigation thereof; to construct and erect such dams and locks as necessity may require to further the objects of the enterprise; provided, the owners of other boats, vessels or water craft shall have the right to use said stream and the navigation thereof, upon the payment to the said company the sum of not more than twenty-five cents per ton, on the tonnage of each vessel or boat, as per custom-house measurement, for each round trip made by the same in any portion of said bayou which said company may improve or make navigable under this charter, for the period of twenty-five years; provided further, that no person or persons shall use said portion of said bayou for floating logs or rafts therein, to the detriment of the navigation thereof, or to the injury of the company's locks and dams; nor without paying to the said company such rates of toll therefor as may be agreed, not to exceed the sum of one dollar for each thousand feet, board measure, contained in the rafts or logs so floated therein.

Sec. 3. That to effect the objects of this enterprise, the said company shall have the right, in their corporate name, to purchase, own, use, sell or lease such houses, machinery, water privileges and water powers, and other property and rights, not to exceed in value one million of dollars; to fix the capital stock of the same in any sum not to exceed two millions of dollars, in shares of one hundred dollars each, transferable as the by-laws of said company may direct; provided, that in the election of officers, and in making by-laws for the government of said company, each share shall entitle the owner thereof to one vote, which may be cast by the said owner, or by proxy, authorized by a written instrument.

Sec. 4. That said company shall permanently organize by the election of a president, vice-president, and not more than nine directors; and shall commence said improvement within eighteen months after the passage of

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this act. The president and vice-president shall be ex officio members of the board of directors, who shall hold their offices for one year, and thereafter until their successors qualify. The directors shall have power to appoint an executive board and other officers and agents, and confer such powers on the same as may be deemed best, or may authorize thee president to do the same.

Sec. 5. That said company shall have the right to remove all timber within said stream, and on or within one hundred feet of the banks of the same, that may endanger the navigation of said stream; and may use any timber and stone within said limits as may be necessary to further the objects expressed herein. Whenever complaint is made by any citizen to said company of any overflow caused by any dam constructed by said company, or for damages for cutting said timber, the said company shall not be enjoined in the prosecution of their said work, but the damages, if any, shall be assessed by arbitration, under the laws of this State, and the parties to said arbitration shall be bound by the decision had thereby.

Sec. 6. That to aid in the construction of said work of internal improvements, said company shall be entitled to receive from the State ten sections of land, containing six hundred and forty acres each, for each and every mile of said bayou improved, as hereinafter described, from said point of beginning, the measurement to be made on the right bank of said stream. The conditions upon which said company shall be entitled to said lands shall be as follows, viz., that they shall, by the removal of the timber, stone, or other impediments to navigation, or by locks or dams, or by deepening the channel of said stream, make the same navigable for boats drawing not exceeding thirty inches of water, at such times as there may be good navigation in said bayou below the city of Jefferson; and whenever the Governor shall be informed that a section of five miles or more of said bayou has been improved as herein required, he shall at once require some competent person to inspect the same; and if the report of the inspector, which shall be made without delay, shall be favorable, the Governor shall immediately give notice of the same to the Commissioner of the General Land Office, whose duty it shall be immediately to issue and deliver to said company certificates for ten sections of land, containing six hundred and forty acres each, for each and

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every mile completed or improved as aforesaid, and so on for each additional five miles thereof; which said certificates shall be located, surveyed and patented on the principle of alternate sections, as required by general law for the location of certificates granted to railroads; provided, that the lands hereby donated by the State, except such portions thereof as may be necessary for protecting the right of way, and for operating the canal and stream, shall be alienated as follows: one-fourth in eight years; one-fourth in twelve years; one-fourth in sixteen years; and the remaining one-fourth in twenty years, after the issuance of the certificates, and any failure to so alienate shall work a forfeiture of the lands so alienated; provided, further, that each section shall be inspected as aforesaid, before any certificates shall be issued; provided, further, that in no case shall the State be in any way liable for deficiency of public domain; and provided, further, that said company shall be entitled to have, own, use and enjoy any of the public domain contained within one hundred feet of the said bayou, on that part which they may improve; and that this act be in force from and after its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXXV.

An Act authorizing the County Court of Cooke County to issue Bonds for the purpose of funding the County indebtedness.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Cooke County be and is hereby authorized to issue bonds of said county, in denominations of fifty dollars and one hundred dollars, to an amount sufficient to cover the present outstand-

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ing indebtedness of said county, due and to become due; said bonds to bear ten per cent. interest per annum, payable semi-annually on the first of July and the first of January in each year, and shall run thirty years, payable at any time after the expiration of five years, at the discretion of the county court of said county.

Sec. 2. The county court of said county shall, as soon as possible after the passage of this act, ascertain and audit the amount of outstanding indebtedness of the county, under such provisions and regulations as they shall deem best, and shall thereafter issue from time to time the bonds of said county to a sufficient amount to cover such indebtedness, as provided in section one (1) of this act; and said county court is hereby authorized to levy and have collected, as other taxes are levied and collected, a special ad valorem tax on all the taxable property of said county, not to exceed one-half of one per cent., for the purpose of paying the interest on said bonds, and to provide a sinking fund for the payment of the principal.

Sec. 3. That this act be in force from its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXXVI.

An Act to authorize the County Court of Walker County to levy and collect a special Tax for the purpose of repairing the Court House and Jail in said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of Walker county be and they are hereby authorized to levy and collect a special ad valorem tax of one-eighth ($\frac{1}{8}$) of one per cent. on all the taxable property in said county, for the pur-

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pose of repairing the court house and jail at the county site thereof, in the town of Huntsville, to be levied and collected as other State and county taxes.

Sec. 2. This act shall take effect and be in force from and after its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXXVII.

An Act to authorize the County Court of Kendall County to levy and collect a special Tax to pay the outstanding Debt of said County.

Whereas, The county of Kendall is in debt, and the tax authorized by law is insufficient to liquidate the same in addition to meeting the current expenses of said county; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Kendall county be and is hereby authorized to levy and collect annually, for the term of six years, a special ad valorem tax, not to exceed forty cents on the one hundred dollars value of all taxable property, real, personal and mixed, in said county; said tax to be collected as are other taxes, and to be appropriated and used solely for the payment of the present outstanding indebtedness of said county.

Sec. 2. That this act take effect from and after its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to

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the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

CHAPTER CCLXXXVIII.

An Act to prevent the sale or gift of spirituous or intoxicating Liquors within two miles of "Concrete College."

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful to sell or give away any spirituous or intoxicating liquors, ale or malt liquors, bitters, brandy peaches or cherries, or any kind of brandy fruit, or fruit put up in alcohol or intoxicating spirits, within two miles of "Concrete College," an institution of learning, situated at Concrete, De Witt county Texas, except for sacramental purposes.

Sec. 2. Any person who shall violate the provisions of the first section if this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

Sec. 3. That this act take effect and be in force sixty days after its passage.

Passed June 2d, 1873.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the second day of June, A. D. 1873, and was not signed by him, or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—James P. Newcomb, Secretary of State.]

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CHAPTER CCLXXXIX.

An Act to incorporate Davilla Institute, in the County of Milam.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Baines, S. M. Anderson, A. E. Vandivere, J. W. McCullough, S. D. Kendall, J. W. Carroll, G. R. Smith, H. Chamberlain and T. A. Upshaw, be and they are hereby incorporated a body politic, under the name and style of Davilla Institute; capable in law of suing and being sued, of pleading and being impleaded; of holding property, real, personal and mixed; of selling and conveying the same at pleasure; and of doing and performing whatever else that may be proper and necessary to be done, for the advancement of said institution, not contrary to the Constitution and laws of this State.

Sec. 2. That this charter and privilege shall extend to said trustees and their successors in office so long as they confine the benefit of the same to the advancement of the sciences and arts, and the promotion of useful knowledge, and no person shall be rejected on account of religion or politics.

Sec. 3. That the trustees and faculty of said institution shall have full power to grant and confer any degree in the arts and sciences, to any of the students of said institution, or any other person or persons by them deemed worthy, as are usually granted and conferred in other institutions and colleges, and to give diplomas, or memorials thereof, signed by the faculty of said institution, and by the president and secretary of said board of trustees, and sealed by the common seal of said institution, to authenticate and perpetuate the memory of such graduations.

Sec. 4. That whenever any vacancy shall occur in the board of trustees, either by death, resignation or otherwise, such vacancy shall be filled by a majority of the remaining trustees, until the next annual election.

Sec. 5. That the names incorporated in the first section of this act shall constitute a board of trustees for twelve months.

Sec. 6. That the trustees of said institution shall have power to appoint honorary members to their number, and

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the said members so appointed may take seats at any meeting of the board, and advise and confer with the members thereof, but in no case shall they be entitled to a vote.

Sec. 7. That said trustees, and their successors in office, shall have full power to enact by-laws, rules, and regulations for the government of said institution, as may seem to them necessary for that object; to elect from their number a president, secretary, and treasurer, and such other officers as may be necessary for the efficient discharge of their duties; and that five members shall constitute a quorum for the transaction of all business.

Sec. 8. That the trustees of said institution shall consist of nine members, who shall be members of Baptist churches, and shall be elected at each annual meeting, on the first Monday in September of each year, by a majority of the stockholders present, and who shall hold their office until their successors are elected and enter upon their duties.

Sec. 9. That the capital stock of said institution shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares shall entitle their holders to cast one vote for each share, at all regular elections, either in person or by proxy.

Sec. 10. That this act shall take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXC.

An Act to amend section two of an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to incorporate the City of New Braunfels,'" approved January 7th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act shall be, and the same is hereby so amended as to read as follows, to-wit: Sec. 2. Be it further enacted, That the mayor and aldermen of said city of New Braunfels shall have the exclusive power and control, in relation to all the roads, streets, alleys, ways, bridges and

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ferries, within the corporate limits of said city, and shall have, in regard thereto, the same rights and duties conferred and imposed upon the county courts by the laws of the State, and to levy and collect a road tax for this purpose; and the County Court of Comal county shall not levy and collect any tax for the same purpose, or otherwise exercise any rights in regard thereto within the limits of said city.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXCI.

An Act to amend an Act entitled "An Act to incorporate the Town of Pilot Point, Denton County," passed October 8th, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two (2) of said act shall hereafter read as follows: That it shall be the duty of the citizens of said corporation to elect a mayor, five aldermen, and a marshal, who shall also be ex officio assessor and collector of taxes in and for said corporation, and a treasurer and secretary shall be appointed by said aldermen from their own body. The treasurer and marshal shall be required to give bond, with security, to be approved by the mayor, in such sum as may be directed and required by the board of aldermen, for the faithful performance of their respective duties, and to make report when required by the mayor or board of aldermen; and the mayor shall have power, when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order; (and the mayor shall have the same jurisdiction and power within said corporation, in cases both civil and criminal, that are conferred on justices of the peace within their respective precincts, and his judgments and final orders therein may be revised in the manner prescribed for revising such judgments and orders when made in such cases by justices of the peace.)

Sec. 2. Be it further enacted, that section three (3) of said act shall hereafter read as follows: That an annual

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election shall be held for the municipal officers of said corporation on the second Tuesday in October, under the direction of the mayor, who shall give at least ten days' notice, before the expiration of his term of office, of the time and place of holding said election, by posting notices in writing in at least three public places in said corporation, and in case of failure to hold said election on said day, the board of aldermen shall proceed to give the proper notice for the holding of said election within twenty days thereafter, and direct the manner of holding the same; and provided further, that in case of the death or resignation of the mayor, the board of aldermen shall select one from their number to act as mayor, who shall proceed forthwith to order an election for filling said vacancy, by posting up notices in writing in at least three public places in said corporation, giving at least ten days notice of the time and place of holding said election; and in case of vacancy in the board of aldermen, the mayor shall order an election to fill said vacancy at such time as he may select, giving notice thereof in writing, posted as above required, at least ten days before the day of election, and the person so elected shall serve until the next annual election thereafter; and all election returns shall be made to the mayor, within five days after the holding of any election, who shall proceed to open the same in the presence of the board of aldermen, and declare the result thereof; and the mayor shall issue a commission to the person or persons receiving a majority of the votes in said corporation, for any office.

Sec. 3. Be it further enacted, That section five (5) of said act shall hereafter read as follows: The mayor and board of aldermen of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police, and preservation of order within the corporate limits. To levy an ad valorem tax on all subjects of taxation, which shall not exceed one-half the State tax for any one year; and also to levy an occupation tax on all occupations in the corporate limits, and such tax on occupations shall not exceed, for any one year, one-half of the tax rendered by the State on such corporation.

Sec. 4. Be it further enacted, That section sixth (6) of said act shall hereafter read as follows: That the limits of said corporation shall extend one mile and a half

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in a square form, so laid off as that the center of the public square shall be the center of said corporation.

Sec. 5. Be it further enacted, That during the absence or inability of the mayor to act, from sickness or other cause, the recorder shall perform all the duties of mayor, and the aldermen, from their number, shall elect a recorder pro tempore; and when the recorder shall act as mayor, he shall receive such compensation or fees as may be allowed by the board of aldermen.

Sec. 6. Be it further enacted, That in case of death or resignation of the marshal, the board of aldermen shall have the power to appoint a marshal, who shall act until the next annual election.

Sec. 7. Be it further enacted, That in any suit by or against the corporation, it shall not be necessary to especially plead this act, but the same shall be classed as a general and public statute, as well as the act which it amends.

Sec. 8. That the compensation or fees of each municipal officer of said corporation shall be regulated by the board of aldermen.

Sec. 9. That the board of aldermen and mayor, by ordinance, shall have the power to open such streets and alleys as they may deem proper; provided, that before any new street or alley shall be opened, the said mayor and aldermen shall pay to any person or persons all damages they may sustain by the opening of such new street or alley, such damages to be assessed by two disinterested land holders, residents in said corporation, one to be chosen by the person or persons claiming damages, the other by the mayor and aldermen. If these two cannot agree, then they shall select a third disinterested party, and the verdict of the majority shall bind. The award of the parties shall be made under the sanction of an oath, reduced to writing, and signed by the referees.

Sec. 10. That all laws and parts of laws in conflict with this act be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER CCXCII.

An Act to amend an Act entitled "An Act to incorporate the City of Brenham, and to grant a new Charter to said City," approved February 4th, 1873.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first part of the first section of the second article of said act, headed "Officers and their election," which reads as follows: "An election shall be held in said city on the first Monday in November, A. D. 1876, and on the first Monday in November of every year thereafter, etc.," be and is hereby altered and amended so as hereafter to read, "An election shall be held in said city on the first Tuesday in April, A. D. 1874, and on the first Tuesday in April of every year thereafter, etc." That the latter part of said section and article, which preads as follows: "provided, that the present mayor and board of aldermen shall hold their offices four years from the date of their election. The first election held under this charter shall be held on the first Monday in November, A. D. eighteen hundred and seventy-six (1876), and annually thereafter on the first Monday in November;" be and the same is hereby altered and amended so as hereafter to read, "provided, that the present mayor and board of aldermen shall hold their offices until the first Tuesday in April, A, D. 1874, and thereafter until their successors are qualified. The first election held under this charter shall be held on the first Tuesday in April, A. D. 1874, and annually thereafter on the first Tuesday in April."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved June 2d, 1873.

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CHAPTER CCXCIII.

An Act to amend the sixth section of an Act entitled "An Act to incorporate the town of Ysleta, in El Paso County," approved May 9th, 1871.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sixth section of an act entitled "An Act to incorporate the town of Ysleta, in El Paso county," approved May 9th, 1871, be and the same is hereby amended so as hereafter to read as follows: Sec. 6. That there shall be elected by the qualified voters of said town a mayor, who shall hold his office for two years, and until his successor shall be elected and qualified; he shall be the chief magistrate of said town and conservator of the peace; he shall preside over the town council, but shall have no vote, except in case of a tie, when he shall have the casting vote; he shall have such criminal jurisdiction in the trial of all violations of the ordinances of said town as is conferred by law on justices of the peace in similar cases.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXCIV.

An Act to amend an Act Entitled "An Act to incorporate the Magnolia Grove Association," approved June 20th, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act entitled "An act to incorporate the Magnolia Grove Association," be and the same is hereby amended so as to hereafter read as follows: Section 1. That James P. Cale, Philip C. Tucker, John S. Thrasher, James Sorley, N. B. Yard, John B. Root, George W. Grover, D. Wakelee and C. B. Lee, and their associates and successors, are hereby constituted a body corporate, by the name of the "Magnolia Grove Association;" and as such corporation shall have power to contract and be contracted with, sue and be sued, have

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and use a corporate seal; purchase and hold, in fee or otherwise, lands, goods and property; make and alter by-laws, and do all other acts and things, and have and enjoy all other franchises incident to, and necesssary and proper for effecting the object of their incorporation, which is to provide and maintain forever a place of repose for the dead.

Sec. 2. Said corporation shall have no power to sell or convey any land purchased by it for other purpose than that of providing a resting place for the dead, nor to create a lien thereon to insure the payment of money for any purpose except as hereinafter specially provided; neither shall said land, or any improvements thereon, be subject to levy or sale upon any process issued upon any judgment from any court in this State, and shall be forever exempt from any appropriation to public uses.

Sec. 3. The capital stock of the Magnolia Grove Association shall be one hundred thousand dollars, to be raised by subscription, in shares of one hundred dollars each, which shall be deemed personal property, and be transferable on the books of the corporation, in such manner as the said corporation shall, by its by-laws, direct.

Sec. 4. The said corporation shall have the right to raise money by loans for the purpose of opening, enclosing, and improving the said lands, and to create such special liens thereon to secure the amounts of such loans as they may deem proper; provided, that in no case can the said lands be ever applied to any other use than that of a resting place for the dead. Nor shall any lots that have been previously sold for the use of any individual, family or society, be included in any such lien.

Sec. 5. The lands so purchased shall be properly enclosed; and it shall not be lawful for any public highway, street, road, or alley for the use of the public, to be laid through the same by any court whatever, or by the authorities of the county of Galveston, or of any other county, town, city, or other municipality; neither shall said lands, or improvements thereon, be subject to the payment of public taxes.

Sec. 6. The lands so purchased shall be laid off with avenues and walks, divided into suitable lots for the purpose of burying the dead, and arranged and improved according to any plan which may be adopted by vote of the trustees of said corporation.

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Sec. 7. All lots, or parcels of ground, shall be designated and numbered as lots by said corporation, and shall be indivisible. They may be afterwards owned and held by purchasers thereof in individual shares.

Sec. 8. The said corporation may sell or otherwise dispose of said lots to be used exclusively as a cemetery, or a place for the burial of the dead.

Sec. 9. The estate and property of said corporation shall be held, and its affairs shall be managed, by a board of trustees, who shall be stockholders entitled to vote, a majority of whom shall constitute a quorum for the transaction of business. And said board of trustees shall be elected by ballot, and every stockholder shall be entitled to vote at all meetings of stockholders, in person or by proxy, one vote for each share of stock. The trustees of such corporation shall, in all cases, be chosen from among the stockholders as aforesaid, and shall have power to fill vacancies that may occur during the period for which they shall hold office, and to establish by-laws for the association, and rules for the regulation of the cemetery. The first board of trustees shall be composed of the persons hereinbefore named as corporators, and they shall hold office until their successors are duly elected and installed.

Sec. 10. Any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone, or any other structure placed in the cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of said cemetery, or any tomb, monument, or gravestone, or other structure aforesaid, on any cemetery lot within the cemetery aforesaid, or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of said cemetery, or remove from any grave or lot any flowers, wreaths, leaves, or other ornament within said cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, or any court of criminal jurisdiction, be punished by a fine of not less than ten dollars nor more than fifty dollars, according to the nature and aggravation of the offense, and such offender shall also be liable, in an action of trespass, to be brought against him in any court of competent jurisdiction in the name of said corporation, to pay to said corporation all such damages as shall have been occasioned by his unlawful act or acts;

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and members of said corporation shall be competent witnesses in such suits; and for a repetition of said offense such offender shall be subject to imprisonment for a term of not less than ten nor more than sixty days in any jail or place of confinement that any court of competent jurisdiction may order.

Sec. 11. It shall not be lawful for any person whatever to turn upon said cemetery grounds, or permit to be turned upon, or to run at large therein, any animal for any purpose whatever, under the penalties prescribed in section ten of this charter.

Sec. 12. It shall not be lawful for any lot owner or owners to permit interments therein for money, or other pecuniary consideration, nor for any person to build or maintain upon the grounds of said cemetery any building or receptacle wherein to be deposited, permanently or otherwise, the remains of the dead for like consideration, without the consent of the board of trustees previously obtained, under the penalty of forfeiture to the corporation of such lots with improvements thereon.

Sec. 13. Any lot or lots hereinafter to be conveyed by said corporation, may be so conveyed that, upon such conveyance thereof, such lot or lots shall be forever thereafter inalienable, and shall, upon the death of the holder, descend to all, any, or either of the heirs at law, or to such person or persons, or to such class or classes of persons as may, in the conveyance thereof from said corporation, be designated for that purpose; but any one or more of the persons who shall become the joint owners or proprietors of any lot or lots, may release or convey to any other or others of said persons, his, her or their interest in the same; and such lots shall not be levied upon, nor taken in execution by any process of law or equity, nor shall the same be devised so as to vest any right or title in the devisee, in case of the permanent removal of any lot owner from the State, or the death of such lot owner without heirs, or the extinction of any society or other class of lot owners. The care, custody and maintenance in good order of said lot or lots shall devolve upon this corporation, as trustees for the owner thereof; and if for five years after the extinction of any such society or class, or the decease of any individual owner of a lot or lots, no heir or other legal representative shall appear to claim said lot or lots, then the title to said lot or lots shall re-

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vert to the corporation. Such reversion shall not authorize the removal of any body that may have been interred therein, nor of any tablet, stone, or other monument.

Sec. 14. Any religious, charitable, or benevolent society, or any organization for the benefit of mankind, may purchase and hold, subject to this charter and the rules and regulations of the corporation, any lot or lots offered for sale by the said corporation, and may dedicate or consecrate the same by the ceremonies or services which they may deem proper, or according to their usage, and may hold and pass the same to their successors forever.

Sec. 15. The persons hereinbefore named as corporators, having acted as commissioners to receive subscriptions to said capital stock, and having obtained subscriptions to the same to the amount of more than fifteen thousand dollars, are hereby empowered to organize as the board of trustees of the Magnolia Grove Association; and it shall be lawful for the said commissioners, or a majority of them, to receive subscriptions, and to require payments of the sums, to be subscribed to the capital stock at such time, and such payments, and on such conditions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in at least two public newspapers of the city of Galveston.

Sec. 16. The said corporation may take and hold, subject to such regulations of the board of trustees as may be determined by said board, any grant, donation, or bequest of property upon trust, to apply the same, or the income thereof, under the direction of the board of trustees, for the improvement or the embellishment of said cemetery, or for the erection, repair, preservation, or renewal of any tomb, monument, or grave stone, fence, railing, or other erection, or for the planting or cultivation of trees, shrubs, flowers, or plants in or around any cemetery lot, or for improving the said premises in any other manner or form consistent with the design and purposes of this charter, according to the terms of such grant, donation or bequest.

Sec. 17. The superintendents and keeper of the gates, and their assistants, shall, by virtue of their office, be in-

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vested with all the powers of police officers within the cemetery grounds and within two hundred yards of its boundaries, for the purpose of the preservation of the public peace, protection of the grounds and improvements, prevention of indecency, and enforcing the provisions of this charter, the by-laws of the corporation, and the laws of the State. It shall be the duty of said corporation to keep an accurate record of all interments in said cemetery, stating the nativity, age, occupation, cause of death, and time of death of the person to be buried; and no interment shall be made in said cemetery without the certificate of some physician of the cause of the death and the fact thereof.

Sec. 18. The annual meeting of the stockholders of the Magnolia Grove Association shall be held in Galveston, at such place and hour as the board of trustees provide, on the first Monday of April of each year. This act shall take effect from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXCV.

An Act to incorporate the Central Wharf and Warehouse Company, of Corpus Christi, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Perry Doddridge, Allan M. Davis, Richard King, Uriah Lott and Weyman N. Staples, and their associates, successors and assigns, be and they are hereby constituted and created a body corporate and politic, under the name and style of the "Central Wharf and Warehouse Company;" and by that name shall be capable of suing and being sued; contracting and being contracted with; may have a corporate seal; rent, own, acquire by purchase or otherwise, or sell any and all water rights and property, real, personal or mixed, necessary to carry out and to accomplish the objects of this incorporation; and shall have and exercise all and every power necessary for the purpose of its creation and maintenance; and may establish and enforce such by-laws, rules and regulations as from time to time may become requisite to manage and govern the company, the business transacted,

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and all transactions in connection therewith; provided, the same be not inconsistent with the Constitution and laws of this State or of the United States.

Sec. 2. The purposes and objects of said company are the maintaining, operating, erecting, constructing, building and establishing, within the corporate limits of the city of Corpus Christi, in Nueces county, attached to and extending from the water fronts of any lot or lots of ground within said city that may be owned by said company, permanent and substantial wharves and piers, if necessary, over and across the flats, shallows or reefs in front or outside of any such lot or lots, to such depth of water in said Corpus Christi Bay as may be required in the interest of commerce and navigation, for the safe mooring of all steam and water crafts capable of entering said bay through Aransas Pass, and for the safe and expeditious discharging, or loading, landing, receiving, delivering and storing of all freights and cargoes of all steamships, vessels and water crafts so entering the port of Corups Christi; and to have and maintain on such wharf or wharves, or pier or piers, attached or adjacent thereto, suitable and substantial warehouses of capacity sufficient for the storage of such freights and cargoes.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars, divided into shares of such sums as the company, through their board of directors, may determine. The persons named in the first section of this act shall constitute the board of directors until such time as the stockholders shall determine and shall elect another board; and they shall have authority to open books of subscription for stock, and to issue certificates therefor, in such form and at such time and places as they may fix upon. The office of said company, and the legal domicile thereof, shall be in the city of Corpus Christi.

Sec. 4. That said company shall have power, and be entitled to ask, demand, sue for and recover wharfage, moorage and storage, as compensation for the use of their wharves, piers and warehouses, at such rates as may be reasonable and customary in other Texan seaports, and from time to time may be fixed and established by the regulations or by laws of the company adopted by the board of directors.

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Sec. 5. That this company may receive real, personal and mixed property, or either, and water rights and other privileges, as capital stock in said company, but no such property, rights, or privileges shall be received as stock at a higher valuation than that fixed by appraisers appointed by the company, and which valuation, in writing, signed by such appraisers, shall be entered upon the records of the company.

Sec. 6. That it shall be lawful for the company, through the board of directors, when necessary, in accordance with the provisions of their by-laws, to borrow or obtain loans of money for the use of the company, and as security therefor to pledge or mortgage all or any part of their estate, assets, privileges and franchises, and to issue bonds, with or without coupons, convertible in whole or in part into the stock of the company, on such terms and at such rates of interest as the board of directors, or a majority of them, may deem expedient.

Sec. 7. That by its corporate name this company shall have succession for and during sixty years from the passage of this act, and during such time shall possess all the powers herein enumerated, and all others incident to corporations under any general law of this State; but no stockholder shall be liable or responsible for the contracts, faults and neglects of, or damages done by the company, in any further sum than the value of the shares of stock owned by such stockholder.

Sec. 8. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXCVI.

An Act providing for an Election of Officers for the Town of Cameron.

Section 1. Be it enacted by the Legislature of the State of Texas, That an election of mayor, six aldermen, one collector, a treasurer, and one secretary, for the town of Cameron, in Milam county, be held in said town, at the court house, on the twelfth day of August, 1873. That for ten days before the election the presiding justice of said county is directed to register, in a book for that

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purpose, the persons resident in said town for sixty days next before the election, and entitled to vote under the Constitution of this State; and in making said registration he will be governed by the general registration law, so far as applicable; and when completed he will certify to the correctness of said registration, and append his certificate to said book of registration. The said presiding justice will appoint the presiding officer of said election, and deliver to him the said book of registration, who will hold the same according to the general election law, and make return thereof to said presiding justice in two days thereafter, and the said justice will then declare the result of the election, and give certificates to those persons who shall have received the greatest number of votes for said offices, respectively. The officers thus elected will take the oath prescribed by the Constitution in ten days after the election, or the office shall be considered vacant.

Sec. 2. The presiding officer will deliver to the mayor the said book of registration, to be deposited in his office; and the mayor shall, for ten days before every succeeding election, revise the same, and add others who may be entitled to vote as prescribed in the general laws, so far as applicable, and shall appoint the presiding officer of the election to hold the election and make returns to said mayor, who, with the board of aldermen, will determine the result of the election.

Sec. 3. That this act take effect from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXCVII.

An Act to incorporate the Little River Academy, near the Village of Harrisville, in Bell County.

Section 1. Be it enacted by the Legislature of the State of Texas, That L. J. Russell, Pleasant Marshall, Thomas Loveless, James Moseley and John Greathouse, be and are hereby created a body corporate and politic, under the name and style of the "Little River Academy;" and as such are hereby authorized and empowered to erect a suitable building or buildings on Little River,

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near Harrisville, in Bell county, for school purposes and a Masonic hall, and they are hereby constituted a board of trustees for the management and control of said building or buildings, and the school taught therein.

Sec. 2. The corporators or trustees aforesaid, under their said corporate name, can sue and be sued, plead and be impleaded; and are capable of buying, holding, enjoying, possessing and selling, any property, real and personal, necessary for the proper use of said incorporation, by contracts, purchase, transfer, and all other modes or forms of contracts known to the laws of this State.

Sec. 3. That said corporators or trustees shall have succession, and may do everything necessary to promote and advance the cause of education, literature and good morals, and may do all other things consistent with the Constitution and laws of the United States or of this State, to further and attain the objects for which this charter is granted.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXCVIII.

An Act to incorporate the Officers and Members of Gaiety Lodge No. 84, of the Independent Order of Odd Fellows, situated at Carthage, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. W. Ross, B. M. Baker, B. B. Anderson, J. R. Bond, R. J. Harvey, E. S. Hull, Z. C. Phillips, A. H. Baker, Jr., and J. H. L. Hull, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of "Gaiety Lodge No. 84, I. O. O. F., of Carthage;" and by that name shall be capable of acquiring, holding, selling and conveying property, real, personal and mixed; provided, the same shall not exceed the sum of twenty-five thousand dollars at any one time.

Sec. 2. That said corporation, by the name and style

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aforesaid, shall have the right to sue and be sued, plead and be impleaded, defend and be defended, in all the courts of this State.

Sec. 3. That said corporation may have a corporate seal, and may affix the same to all documents requiring it.

Sec. 4. That in any suit in law or equity within this State, where this corporation may be a party plaintiff or defendant, service of any papers or notices shall be sufficient when made on any officer of said corporation; and the return of the officer making such service shall be the same as returns of officers in civil suits.

Sec. 5. That in any deed of conveyance, duly signed and executed by the officers of said corporation, in pursuance of a resolution authorizing the same, shall be deemed valid, and shall have the same force and effect as any other similar conveyance.

Sec. 6. That this act shall be in force for forty years from and after its passage.

Approved June 2d, 1873.

CHAPTER CCXCIX.

An Act authorizing the County Court of endall County to have certain Records from other Counties transcribed and recorded in said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Kendall county be authorized to employ the services of a competent person to take copies from the records of the counties of Blanco, Comal and Bexar, of all deeds of conveyances,, deeds of trust, mortgages, judgments, and other contracts in writing of, and pertaining to all lands now lying in said county of Kendall formerly belonging to and of record in said counties of Blanco, Comal and Bexar, and to transcribe the same on the record books of said county of Kendall; and said person shall be sworn faithfully to discharge the duties hereby prescribed as agent of said county.

Sec. 2. That it shall be the duty of the agent, employed under the provisions of this act by said county, carefully

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to compare the copies to be made by him with the original records, and to certify to the correctness of the same on the books of the said county of Kendall on which he shall transcribe the same, whereupon the said transcribed copies shall be received as evidence in all courts in this State as though the same had been originally recorded in said county of Kendall.

Sec. 3. It shall be the duty of the county of Kendall to furnish all books, papers and stationery necessary to accomplish the provisions of this act; the clerks of said counties of Blanco, Comal and Bexar shall afford to the said agent of Kendall county free access to any inspection of the books of their respective offices, and the use of the same for the purpose of making the copies and transcripts herein provided for.

Sec. 4. The County Court of Kendall county is hereby authorized to make a reasonable appropriation to pay the expenses to be incurred under the provisions of this act.

Sec. 5. This act shall take effect from and after its passage.

Approved June 2d, 1873.

CHAPTER CCC.

An Act to incorporate the Hebrew Sinai Congregation.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. Marx, D. Eberstaat, P. Eldridge, M. Dapplemayer, H. Ablowitch, A. Rosenthal, I. Lewis, J. Oppenheimer, L. Goldberg, and their associates and successors, and all such persons as shall become members of said congregation hereby incorporated, shall be a body corporate, by the name of the "Hebrew Sinai Congregation;" and shall have succession, a common seal, and power to plead and be impleaded; to sue and be sued in their corporate capacity and in their corporate name; to organize, act and contract; to elect, employ and appoint officers, trustees and ministers; to have, enjoy and exercise all the powers necessary to the end to build, provide, own and hold a place for the worship of God, according to the Hebrew or Jewish faith, and all things necessary to the end to organize, maintain and carry on the same.

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Sec. 2. The object of this corporation is the permanent establishment of a Jewish Synagogue, or place of worship.

Sec. 3. The said corporation shall be managed by nine directors or trustees, and the persons named in section first of this act shall be the first directors or trustees thereof, and shall so continue for one year from date of organization of this corporation; and said directors or trustees may appoint or elect from their number all officers incident or necessary to the said corporation; and any vacancy which may occur from death or otherwise may be filled by a majority of said directors or trustees remaining. The members of the said congregation may meet at such time, not exceeding one year from the date of such organization, as the officers thereof may fix upon, and annually thereafter, and elect by ballot, from their own number, nine directors or trustees to serve for the term of one year, or until their successors are chosen; and they shall have power to make and execute such by-laws as may be necessary and consistent to, and with the object of this corporation, and not inconsistent with the laws of the State or of the United States.

Sec. 4. The domicile of said corporation shall be at the city of Jefferson, in the county of Marion, State of Texas.

Sec. 5. This act shall be deemed a public act, of which all courts and magistrates shall take notice, and shall take effect on and after its passage.

Approved June 2d, 1873.

CHAPTER CCCI.

An Act supplementary to and amendatory of "An Act to incorporate the City of Jefferson, in Marion County, and to repeal all Laws heretofore passed incorporating said City, or amendatory thereof," approved April 15, 1873.

Section 1. Be it enacted by the Legislature of the State of Texas, That section six (6) of the above recited act shall be so amended as to read as follows: The mayor and board of aldermen shall be elected on the first Tuesday in May, 1874, by the qualified voters of the city of Jefferson, and biennially thereafter, and shall hold their

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offices two years from their election, and until their successors are qualified. The chief of police, city attorney, street commissioner, recorder, clerk of the city of Jefferson and collector of taxes, treasurer, and assessor of taxes, shall be appointed by the mayor, by and with the advice and consent of a majority of the board of aldermen; and shall hold their offices for two years, unless sooner removed, as hereinafter provided for.

Sec. 2. Section twenty-nine of the said act shall be amended to read as follows: The clerk of the city of Jefferson, and ex officio collector of taxes, shall have his office at any place designated by the board of aldermen. He shall be keeper of the seal and all books, papers and records of the city of Jefferson; and his office shall be open at all proper hours for the transaction of business.

Sec. 3. Section sixty-one of the said act shall be amended to read as follows: The treasurer shall keep his office in the city hall, or at such other place as the board of aldermen may, by ordinance, direct; and his books shall be open for inspection at all proper hours.

Sec. 4. Section sixty-two of the said act shall be amended to read as follows: The board of aldermen shall provide the chief of police with an office at the city hall, or elsewhere; and his office shall be open at all hours.

Public Works.

Sec. 5. The board of aldermen shall have power from time to time:

First—To lay out public streets, alleys, lanes and highways; and to make wharves and slips at the end of streets, and extend, alter, remove, straighten, contract and discontinue the same; and to purchase and lay out public parks, spuares and grounds.

Second—To cause any street, alley, lane or highway to be filled, graded, leveled, paved, curbed, walled, graveled, macadamized, or planked, and keep the same in repair.

Third—To widen, deepen, or dredge out the Cypress Bayou, or any part or parts of the same.

Fourth—To cause cross and sidewalks, area walls, lamp posts and private drains to be constructed and laid, re-laid, erected, cleansed and repaired.

Fifth—To fill, grade, improve, protect and ornament any public square now or hereafter laid out.

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Sec. 6. Whenever any ordinance is passed by the board of aldermen, by virtue hereof, for the filling, grading, leveling, paving, curbing, walling, graveling, macadamizing, planking or repairing of any street, lane, alley or highway, the assessor of taxes of the city of Jefferson shall forthwith proceed to assess the amount on the real estate fronting on, or abutting on, the contemplated improvements; said assessment to be made in such manner, as nearly as may be, that each separate block, lot, fractional lot, piece or parcel of land, on either side of the street, or part of street to be improved, shall sustain the costs and expenses of making or completing the improvements upon that half of the street directly adjacent to, or in front of the same.

Sec. 7. When, in any case, any portion of the costs and expenses of making any improvements mentioned in the foregoing section, shall, by virtue of any valid law or ordinance of the corporation, or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon such railway company, and the balance only upon the real estate fronting or abutting on such improvements; and the city may collect the amount so assessed upon such railway company by distress and sale of personal property, as in other cases, or by suit brought for that purpose; provided, that any real estate belonging to such railway company, and fronting and abutting upon the said improvement, shall be assessed as in other cases.

Sec. 8. Before proceeding to make an assessment for any improvement mentioned in the preceding sections, the assessor shall give six (6) days notice, by a newspaper published in the city of Jefferson, of the time and place of making said assessment; in which notice shall be specified the purpose of such assessment and the amount to be assessed. All persons interested in any such assessment shall have the right to be present, and be heard either in person or by counsel; and the assessor may, in his discretion, receive any legal evidence, and may adjourn from time to time.

Sec. 9. When the assessor shall have completed his assessment, he shall sign and return the same to the board of aldermen for confirmation. When confirmed by the board of aldermen, said assessment shall be final and conclusive upon all parties interested therein, and shall

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be collected as in other cases. If any assessment be annulled or set aside, the assessor shall proceed to make a new assessment, and shall return the same in like manner as herein required in relation to the first.

Sec. 10. All owners or occupants of real estate, in front of, adjacent to, or upon whose premises the board of aldermen shall order or direct any sidewalk or private drain to be constructed, shall construct such sidewalk or private drain at their own cost and charges, in the manner prescribed by the said board of aldermen, and within such reasonable time, not exceeding forty days, as the board of aldermen shall direct, of which time notice shall be given to such owner or occupant by personal service, or leaving the same at his usual place of abode, or by five days publication in a newspaper published in the city of Jefferson. If the work be not done in the manner and within the time prescribed, the assessor of taxes of said city of Jefferson shall forthwith proceed to assess the amount necessary to be assessed therefor, together with all costs, upon the real estate aforesaid, which assessment shall be made and returned, and may be confirmed and collected, in the same manner as in the case of filling, grading, or paving streets; and when confirmed, shall have the same force and effect as provided for assessments in section nine of this act.

Sec. 11. For any neglect or refusal to comply with any order of the board of aldermen, in the preceding section referred to, the said board of aldermen may impose by ordinance such penalties upon the owners or occupants aforesaid, not exceeding ten dollars for each day's neglect, as to the board of aldermen shall seem proper.

Sec. 12. Upon the passage of any ordinance in the two preceding sections referred to, the board of aldermen may, in their discretions, in case the said owners or occupants should fail to comply therewith, cause said improvements to be made, and paid for out of any money in the treasury not otherwise appropriated; and afterwards cause the expense thereof, together with all costs, to be reimbursed, by a special assessment to be levied and collected as in other cases; or the same may be recovered by suit from such owner or occupants, as for money paid and laid out for his use and at his request.

Sec. 13. When in any case it shall be deemed necessary to cause any sidewalk to be raised, lowered, re-

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paired or cleaned, the board of aldermen may require the owners or occupants of the premises in front of, adjacent to, or upon which said improvement is to be made, to make the same within such reasonable time, not exceeding thirty days, as the board of aldermen may prescribe, upon written notice to that effeect; and in case of neglect or refusal to comply with such requirements, as well as in all cases where the proper owner or occupants cannot be found, the said board of aldermen may cause the work to be done and paid for out of any moneys in the Treasury not otherwise appropriated. The board of aldermen shall then, by ordinance or resolution, direct the assessor to assess the expense of such work upon the lots respectively liable therefor; and the same may be collected as taxes are collected under the laws and charter of the said city of Jefferson. In addition to such remedy a suit may also be maintained against the owner of said premises for recovery of such expenses as for money paid and laid out for his use and at his request. The board of aldermen may also, by ordinance, impose such penalties upon the owner or occupants aforesaid, for any neglect or refusal to comply with the aforesaid requirements, not exceeding twenty dollars for each day's neglect, as to the said board of aldermen shall seem proper.

Sec. 14. Nothing in the preceding sections contained shall be construed to relieve the owners or occupants of real estate from the duty of keeping the sidewalks in front of or adjacent to their premises, at all times, in a safe condition and in a good and thorough state of repair; but such duty is hereby expressly enjoined and imposed upon all owners and occupants; and if at any time any injury shall be sustained by any individual, or the city shall be subject to any damages in consequence of any defect in any sidewalk, or of its being out of repair, the owner and occupants of the adjacent premises, whose duty it is to make the repairs, shall be jointly and severally liable therefor, and the same may be recovered by suit in any court of competent jurisdiction. If the owner be a non-resident, proceedings may be commenced against the property by attachment, as in other cases of attachment under the laws of this State.

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Proof of Ordinance and By-Laws.

Sec. 15. All ordinances, resolutions and by-laws of the city of Jefferson, shall be deemed sufficiently proved in any court within the State by the production of the original ordinance, resolution, or by-laws, or by a written copy thereof, duly authenticated by the clerk of the said city, or by a printed copy, either in book form or otherwise, purporting to be printed by authority of the board of aldermen.

Sec. 16. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCCII.

An Act to Incorporate the Town of Whitesboro, in Grayson County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Whitesboro, in Grayson county, be and they are hereby declared a body politic and corporate, under the name and style of the town of Whitesboro; and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property, real, personal and mixed; provided, such real property is situated within the limits of said corporation; and shall have a common seal to authenticate instruments of writing when it shall be required.

Sec. 2. That the limits of said corporation shall extend one mile in a square, so laid off as to leave the intersection of the two principal streets near L. Kelly's store in the centre of said corporation.

Sec. 3. That it shall be the duty of the citizens of this corporation, within sixty days after the passage of this act, after first giving ten days notice, to elect a mayor, marshal, and five aldermen. The police court of the county shall appoint three citizens of said corporation to hold and conduct said election, who shall, before entering upon their duty, be qualified by some officer authorized to administer oaths. That the marshal shall be ex officio

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assessor and collector of taxes; that said aldermen shall elect from their own body a treasurer and secretary, and shall have power to elect such other inferior officers or agents as they may deem necessary for said corporation. The treasurer and marshal shall each be required to give bond, with approved security, made payable to the mayor and his successor in office, to be approved by the mayor, for the faithful performance of their duties; and make reports when required by the board of aldermen. And the mayor shall have power to suppress riots and disturbances of the peace, to call out the citizens of said corporation for the purpose of restoring order, and impose a fine, not to exceed twenty-five dollars, on any citizen of said corporation for refusing to obey such call. He shall have such criminal jurisdiction within the limits of the corporation as is conferred by law upon justices of the peace, charging like fees for his services, and subject, in his judicial acts, to the same revisory powers. He may also impose fines, not exceeding one hundred dollars, for the violation of the ordinances of the town. As chief executive officer, he shall order and control the police of the town, enforce the by-laws and ordinances passed by the board, and protect from injury the public streets, buildings and other property. He shall hold courts at such times and places as the board shall prescribe, and shall keep a record of the proceedings therein.

Sec. 4. The mayor, aldermen, marshal, secretary and treasurer shall each qualify himself for the duties of his office, by taking an oath to execute the same to the best of his ability and judgment, and also take the oath required by the Constitution of the State; the oath shall be administered by the presiding justice of the peace, who shall proceed to commission the mayor, and deliver certificates of election and qualification to the aldermen, marshal, secretary and treasurer, respectively, preserving also an account of his proceedings therein among the records of his court.

Sec. 5. That no person shall be eligible to any office under the provisions of this charter who is not a qualified voter of this State, and shall have been a resident within the limits of said corporation for at least six months prior to his election; nor shall any person have a right to vote for officers who has not been a citizen and resident within said corporate limits at least six months next preceding the day of election.

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Sec. 6. The mayor and board of aldermen of said corporation shall have power to pass such rules, and regulations, and ordinances, as may be necessary for the preservation of law and order within the corporate limits; for the levying of taxes; for the removal of nuisances, and keeping the streets in good order; making provision against fire; and for any and all other purposes necessary to promote the public welfare and good government within said corporate limits. They shall also have power to assess and collect taxes, to carry out the objects of the corporation, upon all personal and real estate, upon all circuses, shows, concerts, exhibitions of legerdemain, or other public exhibitions, recurring within said corporation, where the parties charge for admittance into the same, save and except such as may be for charitable purposes; assess taxes upon dogs and hogs running at large, and upon unlawful horses and cattle; and upon all species of gambling, such as ten pin alleys, monte tables, billiard tables, and every other gambling device where money is won and lost; and suppress or tax all bawdy houses, or houses of ill-fame; provided, no tax shall be levied exceeding one-half the State and county tax, or occupation license allowed by law; provided, further, that they shall in no case prescribe penalties to exceed one hundred dollars, or imprisonment for more than fifteen days.

Sec. 7. The mayor, marshal and aldermen shall hold their offices for a term of one year, and until their successors are duly elected and qualified. The mayor shall, immediately preceding the expiration of his term of office, give ten days public notice of the election of the officers provided for in this act. In case of the death, absence, sickness, or other incapacity of the mayor, the board shall select one of their number, who shall have the same powers, and shall perform the duties of mayor temporarily, or during the remainder of the term, as the occasion may require.

Sec. 8. The mayor, with a majority of the board of aldermen, shall constitute a quorum for the transaction of business. The mayor shall have the casting vote in case of a tie.

Sec. 9. The board may allow and pay to the mayor an annual salary, which, with his fees, shall constitute the compensation for his official duties. They shall also

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fix and pay a proper compensation, by salary or otherwise, to all the officers hereinbefore specially named, except themselves, and also to such others as under the general powers they may see fit to appoint. The compensation of the aldermen shall be two dollars per day for each day the board may be in session; provided, that no alderman shall draw pay in two rights.

Sec. 10. This act to take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCCIII.

An Act to incorporate a Savings Bank in Bonham, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. W. Cox, A. J. Dorn, J. B. Shortridge, J. M. McKee, Richard White, Milton Nunn, J. R. Chenoweth, L. F. Smith, F. H. Williams, and those that they may associate with them, and their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name of the "First Savings Bank of Bonham, Texas;" with power in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places whatsoever, as a natural person; and it may have a common seal, and may change and renew the same at pleasure.

Sec. 2. The corporation hereby created shall have power to purchase and hold in fee, or by lease, such an amount of real estate as may be necessary for a convenient bank building.

Sec. 3. It shall be lawful for said corporation to transact financial business as a natural person; to loan money, discount promissory notes, buy and sell exchange, stocks, bonds, and all other mercantile securities; and shall be governed by and subject to the same laws, as though a private individual.

Sec. 4. Said corporation may issue letters of credit, and bills of exchange, payable throughout the United States, Canada, Europe and Asia, and other foreign countries, for convenience of commerce and travel.

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Sec. 5. The capital stock of said corporation shall be one hundred thousand dollars ($100,000), with the privilege of said corporation to increase the same to two hundred thousand dollars ($200,000), and shall be divided into shares of one hundred dollars each; each share of said stock shall entitle the owner thereof to one vote at all elections of officers and directors.

Sec. 6. The persons named in the first section of this act shall act as commissioners to receive subscriptions of stock, and shall fix the time and manner of paying the same; and when not less than twenty-five thousand dollars ($25,000) shall have been subscribed, and ten thousand dollars ($10,000) paid up on account of subscription to said stock the said corporation may be organized and proceed to business.

Sec. 7. The stockholders shall elect the first board of directors of said corporation from among the stockholders, and the directors, when elected, shall elect a president and cashier; and in case of death, or resignation of the president, cashier, or any director, the vacancy shall be filled by the board of directors.

Sec. 8. The president, cashier and directors shall be elected annually, and shall hold their offices for the term of one year, or until their successors are duly elected and qualified.

Sec. 9. The president and directors shall, from time to time, make all necessary by-laws, rules and regulations, alter and amend the same, for the government of said corporation, and the conduct of its business, and may provide for administering oaths, taking bonds from its officers and employes, to secure the faithful discharge of their duties.

Sec. 10. This corporation shall continue for ten years from the passage of this act.

Sec. 11. The stockholders shall not be liable in any event or any way whatever, except to the extent of their shares of the capital stock.

Sec. 12. The indebtedness of said bank, over and above that incurred for deposits, shall not exceed its paid in capital.

Sec. 13. This act shall take effect and be in force from its passage; provided, said corporation is organized within two years from the passage of this act; and if not so organized within that time, this act shall be null and void.

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Sec. 14. This act shall take effect from and after its passage.

Approved June 2d, 1873.

CHAPTER CCCIV.

An Act granting H. M. Mathis, Principal, and Col. L. D. De Lyon, Miss Mollie E. Beaver, Miss Fannie Bradfield, Miss Anne Peacock, and Miss Nannie Hughes, assistant teachers of the Daingerfield High School, Daingerfield, Titus county, Texas, the privilege of granting Diplomas to Students who complete the course of study established by the Principal and Faculty of the Institution.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. M. Mathis, principal, and Col. L. D. De Lyon, Miss Mollie E. Beaver, Miss Fannie Bradfield, Miss Anne Peacock, and Miss Nannie Hughes, assistant teachers of the Daingerfield High School, located in Daingerfield, Titus county, Texas, and their successors, be and are hereby authorized to issue and grant certificates of graduation to the students of the institution who complete the collegiate course of study adopted by the faculty; and that they be and are hereby authorized to have and use a seal of the institution in issuing certificates.

Sec. 2. That the teachers are hereby invested with authority to grant certificates, with use of seal, of qualification of students who do not complete all the branches in the course of study.

Sec. 3. That Dr. E. R. Hawkins, Dr. W. S. Leake, W. B. Womack, Dr. A. S. Huey, E. J. C. Nitmer, Dr. J. T. Bradfield, Dr. H. J. Avinger, and their successors, be and are hereby constituted a board of trustees, whose duty it shall be to have exclusive control and full management of the grants of land, donations of money, and all other benefits bestowed upon the institution, except the private and personal interest owned and held by individuals in their own right, and shall manage and control the same for the exclusive benefit of the institution. A majority of the board shall be sufficient to transact all business pertaining to the finances under their control.

Sec. 4. The board shall elect from their number a

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president, and shall fill all vacancies occurring in said board; and that this act shall take effect from and after its passage.

Approved June 2d, 1873.

CHAPTER CCCV.

An Act to organize McMullen County, and to attach La Salle County to said County for judicial purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That William Harris, James Martin, Sr., John Hilsen, be and they are hereby appointed commissioners to organize the county of McMullen, and to perform the duties herein required of them as such commissioners; and they shall file in the office of the Secretary of State their oath of office to faithfully perform the duties of such commissioners within ninety days from the passage of this act; and after the filing of said oath, they are hereby authorized to enter upon and perform all official duties imposed by this act upon them; and any officer authorized by law to administer oaths is hereby authorized to administer [the oath] prescribed by this section.

Sec. 2. That each of said commissioners is hereby appointed a registrar for said county of McMullen, and upon taking the oath and qualifying as required by law, before any notary public or justice of the peace, shall open their registration books for the registration of voters, at any place in said county of McMullen, by posting notices as required by law; and they are hereby authorized to administer all oaths, and to do and perform all acts as registrars, under the laws of the State, and to keep open their books for the registration of voters till one hundred and fifty voters of said county have been duly registered.

Sec. 3. When one hundred and fifty voters of said county shall have been registered under the provisions of this act, the commissioners shall lay off said county into five justices' precincts, and shall order an election for one clerk of the district court of said county, one sheriff, one treasurer, one surveyor, and five justices of the peace, one for each of said precincts. They shall appoint three managers of said election, administer to them the oath of

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office, and said managers shall hold and conduct said election for said offices at Jackson, heretofore called Dogtown, in said county, in all respects conforming to the laws regulating elections, when the same do not conflict with this act; and the certificates of such inspectors shall be sufficient authority to all of such officers to enter upon the discharge of their duties. Said commissioners shall assemble at said town of Jackson five days before said election, and they are hereby constituted a board of revision and correction, and when so assembled, they shall perform the duties of such board in accordance with the laws regulating the same.

Sec. 4. They shall administer all oaths of office to the officers elected under this act, and approve bonds of the same, which said bonds shall be conditioned as the law requires.

Sec. 5. Any qualified elector of said county may hold and exercise the duties of any two of said officers, and no more.

Sec. 6. That the county of La Salle be attached to McMullen county for judicial purposes.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCCVI.

An Act to incorporate the Towns of Farmersville, Plano and Weston, in Collin County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of Farmersville, Plano and Weston, in Collin county, each respectively, are hereby created a body politic and corporate, under the name and style respecively of the corporations of the towns of Farmersville, Plano and Weston; and by these names respectively shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of real and personal property; provided, such real property is situated within the limits of said corporations.

Sec. 2. That it shall be the duty of the citizens of said corporations to elect each a mayor, five aldermen and a

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constable; a treasurer and a secretary shall be elected by said aldermen of their respective towns. The treasurer shall be required to give bond, with sufficient security, to be approved by the presiding officer, for the faithful performance of his duties, and to make reports when required by the mayor or aldermen. And the mayor shall have power, when necessary, to suppress riots and disturbances, and to call out the citizens of said corporations for the purpose of restoring order. The treasurer shall also act as assessor and collector, if so required by the board of aldermen.

Sec. 3. That the first election shall be held under the orders of the justice of the peace of the precinct in which said towns are situated, after having given ten days' notice thereof, and annually thereafter under the direction of the mayors, respectively, at least ten days before his term of office expires.

Sec. 4. That no person shall be eligible to any office under the provisions of this charter who is not a qualified elector of this State, and a resident within the limits of the corporations respectively herein named, nor shall any person have a right to vote for officers who is not a qualified elector and resident within its limits six months prior to the election.

Sec. 5. That the mayor and board of aldermen of said towns respectively shall have power to pass such rules and ordinances as may be necessary for the preservation of order within the corporate limits, to levy taxes for the removal of nuisances and keeping the streets in good order, and to prescribe penalties for the violation of the ordinances and by-laws of the corporations; provided, that in no case such penalties in any one year shall exceed one hundred dollars, the taxes levied shall not exceed one half of the State tax, and the mayors respectively, shall have the same jurisdiction in criminal cases as justices of the peace.

Sec. 6. That the limits of said corporation shall extend five hundred yards from the center of the public square in every direction, said limits to be determined and laid off by commissioners to be appointed by the justices of the precincts in which said towns are situated.

Sec. 7. That the mayors, with a majority of the said aldermen, shall constitute a quorum for the transaction of business, and shall enact and enforce such rules and

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regulations as they may deem necessary for the government of said corporations.

Sec. 8. The first election for mayor and other officers for said corporate towns shall take place on the second Tuesday in July, A. D. 1873.

Sec. 9. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCCVII.

An Act for the relief of A. T. Watts.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. T. Watts be and he is hereby allowed the sum of two hundred and forty-nine and $\frac{08}{100}$ dollars for services as special judge of the Third Judicial District of the State of Texas, for twenty-six days, at nine $\frac{58}{100}$ dollars per day, rendered during the months of November and December, A. D. 1872, and that the said sum of two hundred and forty-nine $\frac{08}{100}$ dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay said claim, and that a certified copy of this act shall be sufficient authority for the Comptroller to audit said claim, and to draw his warrant upon the treasurer for the same.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCCVIII.

An Act to incorporate the Town of Decatur, in Wise County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Decatur, Wise county, Texas, be and are hereby declared to be a body politic and corporate, to be known by the name and style of "The Town of Decatur;" and by that name may sue and be sued, plead and be impleaded, in all of the

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courts of this State; may have and use a corporate seal, and may purchase, hold and dispose of property of all kinds, real, personal and mixed, in said town.

Sec. 2. That the limits of said corporation shall include all that is embraced in the following boundary lines, to-wit: Beginning one-half mile due north of the center of the public square of said town of Decatur; thence east one-half mile; thence south one mile; thence west one mile; thence north one mile; thence east one-half of one mile to the beginning.

Sec. 3. That the presiding justice of the said county of Wise is hereby authorized to have said town laid off by the county surveyor of said county, or by any practical surveyor, whose duty it shall be to make notes defining its limits, which said notes and survey shall be delivered to said justice, and by him filed in the office of the clerk of the district court of said county; and the said justice and surveyor shall be paid such fees as the board of aldermen of said town may allow them for the services herein required of them.

Sec. 4. That an election shall be held in said town on the first Tuesday in May, 1873, and annually thereafter on the first Tuesday in May (unless fixed by general law), in each year. At such election there shall be elected a mayor, five aldermen, a treasurer and a marshal; and the persons elected shall continue in office one year, and until their successors are duly elected and qualified.

Sec. 5. The first election under this act shall be ordered by the presiding justice of said county of Wise, who shall give at least ten days notice of such election, by posting notices thereof in five public places within the corporate limits of said town, and also by publishing said notice in some newspaper published in said town, at least once before said election. Said justice shall appoint, as inspectors of said election, three resident citizens of said town, who shall, before entering upon their duties, take and subscribe the oath required by the Constitution and laws of this State, and are hereby fully authorized to hold such election in accordance with the laws of this State. The certificate of such inspectors of the election of any of the officers provided for in this act, shall empower such officers to enter upon their duties, after they shall have taken and subscribed the oath required by the Constitution and laws of this State.

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Sec. 6. Notice of all subsequent elections for officers of said town shall be given by the mayor, by causing printed or written notice thereof to be posted up in at least five public places in said town, and also by publishing such notice in some newspaper published in said town, which posted and published notice shall be given at least two weeks before the election shall be held. Three inspectors of election shall be appointed by the board of aldermen for each election, and the certificate of such inspectors of the election of any of the officers provided for in this act, shall empower such officers to enter upon their duties after they shall have taken and subscribed the oath required by the Constitution, and given the requisite bond, in case where bond is by this act by the by-laws of said town required to be given, and after the expiration of the term of office of the then incumbent thereof.

Sec. 7. That whenever a vacancy shall occur in the office of mayor of said town, there shall be one elected by a majority of the aldermen to fill such vacancy; and the person so elected shall hold his office until the next election of officers of said town, or until his successors shall be duly qualified.

Sec. 8. That no person shall be eligible to the office of mayor, alderman, treasurer, or marshal, unless he is a qualified voter and a citizen of said town; and no person shall vote in any election for officers in said town unless said person be a qualified voter of Wise county, and a citizen of said town, who shall have resided in said town sixty days preceding such election.

Sec. 9. That the mayor shall be president of the board of aldermen; that a majority of said board shall constitute a quorum to transact business; and that such board may enact such by-laws for the government of said town, not inconsistent with the Constitution and laws of this State, as may be by them deemed proper and necessary; and may prescribe fines or imprisonment, or both fine and imprisonment, for disobedience of such by-laws; provided, that no fine in any case shall exceed one hundred dollars, and no imprisonment shall be for a period longer than ten days; and may fix the times of the regular meetings of said board, and may provide for calling extra sessions of the same.

Sec. 10. That the board of aldermen shall have exercise control over the streets and public places of said

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town; shall have power to levy an ad valorem tax on all property, real, personal and mixed, within the corporate limits of said town; provided, that said tax, in any one year, shall not exceed one-half of the State tax on said property in such year; and the said board of aldermen shall have power to levy and collect a license tax on all occupations taxed by the laws of this State; provided, that such tax shall not exceed one-half of the State tax on such occupations. The said taxes shall be assessed and collected by the marshal, or in such other manner as the board of aldermen may direct, in accordance with the act regulating the collection of taxes for the State of Texas.

Sec. 11. That the board of aldermen shall have power to appoint such additional officers as they may deem necessary, and shall regulate and prescribe the duties and compensation of such officers, and may require of any of them bond and security, in such penalty as may be deemed requisite, to compel the efficient discharge of such duties as may be assigned them in said town of Decatur, which bond shall be payable to the mayor of said town and his successors in office.

Sec. 12. That all offenses against the by-laws of said town shall be prosecuted before the mayor; provided, that any person shall have the right of trial by jury by depositing with the mayor three dollars as jury fee, or by making oath that he is unable to pay such fee. All prosecutions before said mayor shall be governed by and in accordance with the laws organizing justices' courts.

Sec. 13. The marshal, or his deputy, shall execute and return all writs issued by the mayor in the same manner as is provided by law defining the duties of constable. Said marshal shall give bond and security, in such penalty as shall be required by the board of aldermen, which bond shall be payable to the mayor of said town and his successors in office, and shall, with all bonds provided for in this act, be approved by the board of aldermen, and be recorded in the office of the clerk of the District Court of Wise county. The said marshal shall have the same power as a constable under the laws of the State, and shall be entitled to the same fees as a constable, and to such additional compensation as the board of aldermen may allow.

Sec. 14. That in the case of the death or resignation of any one of the aldermen, a majority of said board

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shall have power to fill such vacancy, under such rules and regulations as may be prescribed by the board, until the next election of officers of said town. Said aldermen shall be entitled to such compensation as may be allowed them by the board; provided, that in no case shall the same exceed two dollars per day for each day they may be required to sit as such aldermen.

Sec. 15. Said mayor shall be entitled to such fees as are allowed justices of the peace for similar services, together with such other compensation as may be allowed by the board of aldermen.

Sec. 16. That the treasurer shall keep safely all the money of said corporation; shall pay out the same upon the order of the board; and shall perform such other duties as may be assigned by the by-laws. He shall give bond with security, payable to the mayor and his successors in office, in such sum as may be deemed proper by said board of aldermen, conditioned for the faithful performance of his duties, which bond shall be approved by said board, and recorded in the office of the district clerk of Wise county. Said treasurer shall be allowed such compensation as is by law allowed to county treasurers.

Sec. 17. That there shall be elected by the board of aldermen, from and out of their own number, a secretary, whose duty it shall be to keep correct minutes of the acts of said board, in a well bound book or books, to be open at all reasonable times for the examination of any citizen or legal voter in said corporation. Said secretary shall receive such compensation as may be allowed by the board.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved June 2d, 1873.

CHAPTER CCCIX.

An Act to incorporate the "Mechanics' Real Estate and Building Association, of Harris County."

Section. 1. Be is enacted by the Legislature of the State of Texas, That D. C. Green, W. A. Archer, J. B.

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Johnson, D. S. Smith, Thomas Waters, E. Hall, C. C. Wiggin, W. H. Peregoy, Thomas Martin, and their present and their future associates, successors and assigns, be and are hereby incorporated and created a body politic and corporate, by the name and style of the "Mechanics' Real Estate and Building Association, of Harris County," and by said corporate name shall have full power and capacity to sue and be sued, and maintain any action to final judgment and execution, in any of the courts of this State; and shall be capable of purchasing, taking by grant, gift or donation, and of holding, improving and conveying any estate or property, real, personal or mixed, for the use of said corporation; and shall have power to make contracts, execute promissory notes, draw bills of exchange, execute deeds of trust and mortgage; make dividends and divisions of property, issue bonds, have a common seal with such device as they may adopt, establish such by-laws as shall be necessary for the government of said company, and do and perform all other acts incident and appertaining to the powers granted by this act; provided, that the operations of said association as to the purchase and holding of real property shall be restricted exclusively to and within the county of Harris.

Sec. 2. That for the well ordering of the affairs of this association, there shall be seven directors, who shall be chosen by the shareholders from among themselves, at such time and in such manner as the by-laws may direct, and shall hold their places for one year from the date of their election, or until their successors shall be chosen and qualified.

Sec. 3. The officers of this company shall be a president, vice president, treasurer and secretary, all of whom shall be chosen by the directors; and the positions of secretary and treasurer may both be filled by the same person, or by two persons, at the option of the directors; such officers shall hold their offices for one year from the date of their election, or until their successors are chosen and qualified; provided, however, that the said directors and officers may be removed before the expiration of their term of office, in such manner and for such causes as the by-laws may determine; and such by-laws may define the rights and duties of said directors and officers, and may provide for the compensation of any of them, and may require bonds from any of them.

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Sec. 4. The principal object of this association is for the purpose of encouraging mechanics and working men in the saving and investment of their earnings.

Sec. 5. The capital stock of this association to be twelve thousand five hundred dollars, which shall be divided into one hundred shares, of one hundred and twenty-five dollars each per share, payable in monthly installments of five dollars per month per share, on or before the first day of each month, in advance; and if said installments be not so paid promptly on or before the first day of each month, in advance, the share or shares so in arrears shall be declared forfeited to the company by the directors at their third regular meeting after such failure to pay, unless said installments in arrears shall be paid up before said third meeting, with interest at the rate of twelve per cent. per annum from the time they are due; and the share or shares so forfeited may be disposed of for the use of the company as the by-laws may prescribe; and said delinquent shareholder or shareholders shall then and there cease to be a member or members of this company, and such forfeiture is hereby declared to be complete and beyond redemption; provided, however, that such forfeiture shall work a discharge of the owner or owners of the share or shares which may be forfeited, from further liability as subscriber or subscribers to such forfeited stock.

Sec. 6. No person shall own or vote more than one share of the capital stock, and the voting of shares by proxy is expressly forbidden; provided, the guardians may vote the shares of their wards, and the legal representatives the shares of deceased persons.

Sec. 7. Whenever one hundred shares shall have been subscribed, and two months installments paid in, this company may organize under this act; and for this purpose the said corporators, or a majority of them, may, upon the passage of this act, open the books of said company for subscriptions to stock; and when the requisite number of shares shall have been subscribed, and two installments paid, shall call a meeting of the shareholders, who may elect the directors and adopt by-laws, and fully organize under this act; and thereafter the directors shall hold a meeting for the transaction of business once during each month, upon such a day as the by-laws may prescribe; and at such meetings four of said directors shall constitute a quorum.

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Sec. 8. That said company may loan its moneys; receive deposits; buy and sell exchange drafts, or other obligations, bullion, coin, and all sorts of currency, bonds and securities, and shares or stock in companies, incorporated or not incorporated; and may loan money on any terms or plans they may adopt; and have full power to do and perform all acts which may be appropriate and incident to the company under the powers and privileges granted by this act.

Sec. 9. Forty shares, represented at any regular or special meeting of the share-holders, shall constitute a quorum for the transaction of all business, unless the by-laws shall otherwise direct and provide, and except for the purpose mentioned in section ten.

Sec. 10. After the shares shall have been paid up in full, one hundred and twenty-five dollars each, the capital stock may at any time, from time to time, at any regular or special meeting of the stockholders, be increased by a vote of two-thirds of all the shares of the association, by continuing the levying of installments of five dollars per month per share, under the same terms as hereinbefore provided, for as many months as may be deemed best, not to exceed the time of the expiration of their charter.

Sec. 11. The shares of this association shall be transferred on the books of the same, under such rules as the by-laws may direct.

Sec. 12. This act shall take effect from and after its passage, and shall remain in force for twenty-five years.

Approved June 2d, 1873.

CHAPTER CCCX.

An Act to incorporate the Paris Street Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas D. Woosen, A. S. Johnson, R. S. Brame, John B. McLeod, James D. Wortham and W. Babcock, of the city of Paris, and county of Lamar, and their associates and successors, are hereby declared a body corporate and politic, under the style and name of the "Paris Street Railway Company;" by which name they may contract and be contracted with, sue to

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final judgment and be sued, plead and be impleaded, issue bonds and borrow money for the construction, equipment and maintenance of their road, buy and sell real and personal estate, and generally to do all acts necessary to carry out the objects and designs of said company.

Sec. 2. The legal domicile of said company shall be in the city of Paris.

Sec. 3. The object of said company is declared to be, to build, equip, own and operate street raiways in the streets of the city of Paris, and also in such parts of Lamar county as may be continuations of said streets, or of said railroads; and this company, under this act, is authorized to build such roads, on any streets within the corporate limits of the city of Paris, as may hereafter be agreed upon by the mayor and aldermen of the city of Paris and the said Paris Street Railway Company, with the right to use such other motive power as may be agreed upon between this company and the city council of Paris.

Sec. 4. The capital stock of this company shall be one hundred and fifty thousand dollars, divided into shares of twenty-five dollars each, and each share shall represent one vote in all elections, and on all questions to be determined by the stockholders. Said shares shall be transferable on the books of the company, in person or by attorney.

Sec. 5. Subscription for shares to the capital stock of this company shall be paid in such sums and at such times as may be agreed upon by the by-laws of said company. When any stockholder shall make default in the payment of the assessment of his stock, it shall be sold by the president of said company, after thirty days' public notice, published in some newspaper in the city of Paris, which sale shall be an absolute conveyance in fee simple of such stock to its purchasers, he also paying the remaining installments which may be due.

Sec. 6. The company shall, at its first meeting, make by-laws for its government, not inconsistent with the Constitution and laws of this State or this act of incorporation; no by-laws shall take effect until approved by a majority of the stockholders.

Sec. 7. That the parties named in the first section of this act, or a majority of them, are hereby declared commissioners, whose duty it shall be, within twenty-four

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months after the passage of this act, to organize such company as may be determined by a majority of them. The stockholders shall elect a board of not more than seven and not less than five directors, who shall elect from their number a president; and they shall also elect such other officers as the by-laws may require.

Sec. 8. That all contract made and entered into by and between the mayor and aldermen of the city of Paris and the said company, or any privileges or rights granted by said mayor and aldermen of the city of Paris to said company, shall be in all respects legal and binding on the aforesaid contracting parties.

Sec. 9. This charter shall remain in full force and effect for the period of fifty years.

Sec. 14. Be it further enacted, That nothing herein contained shall annul or set aside any ordinances or laws of the city council of the city of Paris.

Sec. 11. This act shall take effect from and after its passage.

Approved June 2d, 1873.

CHAPTER CCCXI.

An Act to amend the Twenty-second Section of an Act entitled "An Act to consolidate in one Act and amend the several Acts incorporating the Town of Rusk, in Cherokee County."

Section 1. Be it enacted by the Legislature of the State of Texas, That the twenty-second section of the above entitled act shall be amended, and read as follows: That should said corporation fail to elect officers at the proper time, and there should be no acting officers for said corporation, the same shall not be dissolved by reason thereof, but it shall be the duty of any justice of the peace in the county, upon the petition of any ten resident citizens of said corporation, to order an election for mayor and aldermen for the same; said election to be held as elections for justices of the peace. The certificates of election may be given by the justice of the peace ordering said election, to persons elected, at any time after the

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votes are counted out; and said corporation shall be revived and continued, in accordance with the provisions of this act.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved June 3d, 1873.

CHAPTER CCCXII.

An Act requiring the Commissioner of the General Land Office to issue Patents upon certain Surveys therein mentioned.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue patents on surveys made by virtue of the following described land scrip, to wit: Certificates numbered $\frac{1}{6}$, $\frac{1}{7}$, $\frac{1}{8}$ and $\frac{1}{9}$, issued to Hugh W. Hawes on the first day of February, 1859, for 160 acres each; and also upon certificates numbered $\frac{1}{3}\frac{1}{7}$ and $\frac{1}{3}\frac{1}{8}$, issued to said Hawes on the 27th of December, 1859, each for a like amount; and on surveys numbers one and two, in Cameron county, based on Island scriy No. $\frac{1}{4}\frac{1}{0}$, for one hundred and sixty acres, sold by the Commissioner of the General Land Office to James Walworth; and Island scrip No. $\frac{1}{4}\frac{1}{1}$, also for one hundred and sixty acres of land, sold by the Commissioner of the General Land Office to Johanna Shaw, said surveys having been made on 25th day of January, 1860, and the field notes thereof duly returned to the Land Office; provided, that the right of third parties to the land embraced in such surveys, if any such exists, shall not be affected thereby.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved June 3d, 1873.

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CHAPTER CCCXIII.

An Act to change the name of the Island City Real Estate and Homestead Association of Galveston, and to amend an Act entitled "An Act to incorporate the Island City Real Estate and Homestead Association of Galveston," approved June 24, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of the Island City Real Estate and Homestead Association shall be changed to the Island City Savings Bank, and as such shall have and enjoy all the rights and powers acquired under its previous name, the same as if it had not been changed, but relieved from name [none] of its liabilities by reason of such change of name.

Sec. 2. That section two of said act of June 24, 1870, shall be amended to read as follows: Be it further enacted, That the management of the affairs of said company shall be conducted by a board of not less than five (5) nor more than nine (9) directors, each of whom shall be a stockholder in said company. The number of directors shall be fixed by the stockholders at a called or regular meeting next previous to the election, and a majority of such fixed number shall constitute a quorum to do and perform all the business necessary to the successful operation of said company. A majority of said directors shall appoint a president from their own number, and shall fill all vacancies in the directory as may from time to time take place, from death, resignation or otherwise. The election of directors shall take place in the city of Galveston on the first Monday in April in each and every year, after the organization under this act; and in case of failure to elect said directors, the corporation shall not be dissolved for that cause, but the president and directors for the time being shall continue in office until there shall be an election; provided, also, that it shall be the duty of said directors to call a meeting of the stockholders, at an early day, to elect the directory so omitted to be elected at the regular period.

Sec. 3. That section five of said act of June 24, 1870, shall be amended to read as follows: Be it further enacted, That the capital stock shall be seventy-five thousand dollars ($75,000), and it may be increased to five hundred

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thousand dollars ($500,000), or any intermediate amount, at any time, by a majority vote of the stockholders.

Sec. 4. That section six of said act of June 24, 1870, shall be amended to read as follows: "Be it further enacted, That the capital stock shall consist of the moneys heretofore paid in under the management of the said trustee, and the further sum of ten dollars to be hereafter paid in monthly installments on each and every share of stock; the capital stock to be divided into shares of six hundred dollars ($600) each. But all such shares when full paid shall be subdivided into shares of one hundred dollars ($100) each, to be designated as "full paid," and constitute the fixed capital of the Savings' Bank. The capital stock may be increased, as heretofore provided, by monthly payments of ten dollars on each new share until the full share of six hundred dollars ($600) is paid, and when so full paid shall be converted into shares of one hundred dollars ($100) each, as hereinbefore provided. The shares in process of payment, and until fully paid and converted, shall be known as "installment shares." In all elections held after the passage of this act, each one hundred dollars ($100) of stock shall entitle its holder to one vote; provided, however, that no fractional part of one hundred dollars ($100) shall ever be counted as part of a vote in any election or meeting of the stockholders."

Sec. 5. That section nine of said act of June 24, 1870, is hereby repealed and the number of stockholders shall not be limited.

Sec. 6. That section eleven of said act of June 24, 1870, shall be amended to read as follows: "Be it further enacted, That this act or charter shall remain in full force and effect for the period of fifty years from the date of its passage, and shall be deemed a public act, of which all courts shall officially take notice."

Sec. 7. Be it further enacted, That the act entitled "An act to amend an act to incorporate the Island City Real Estate and Homestead Association of Galveston," approved December 1st, 1871, is hereby made a part of the charter of the Island City Savings Bank, and shall remain in full force and effect for the period of fifty years from the passage of this act.

Approved June 3d, 1873.

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CHAPTER CCCXIV.

An Act to promote the construction of Water Works for the City of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Galveston Water Company, incorporated pursuant to the provisions of an act of the Legislature of the State of Texas, entitled "An act concerning private corporations," approved December 2d, 1871, for the purpose of constructing, owning, maintaining and operating a water supply, aqueduct and water works, to provide the city of Galveston with fresh water, is hereby invested with the right to enter upon, purchase, or otherwise receive, take, hold or obtain any lands, ponds, or bodies of water on Galveston Island necessary for the purpose of locating, constructing, maintaining and operating said water supply, aqueduct and water works, with all the necessary catch-water drains for the purpose of increasing the water supply and concentrating the same, the dikes and dams to preserve the same fresh and wholesome and safe from intrusion or pollution, with all the requisite wells, pumps, engines, filters and other apparatus incident to and connected with said works; provided, that no land or body of fresh water shall be entered upon or taken, or tillable land rendered untillable by overflow consequent upon the erection of said works, without paying just compensation to the owners thereof; and that land taken for aqueduct, connections and catch-water drains, shall not exceed fifty feet in width, unless for buildings, or during the construction of said works.

Sec. 2. When land cannot be obtained by agreement with the owner or owners thereof, said company shall pay such compensation as shall be determined in the manner hereinafter set forth. Any person whose land or body of fresh water has been taken, or tillable land rendered untillable as aforesaid, without agreement or satisfactory compensation, may apply to the District Court of the county of Galveston for the appointment of appraisers; and said court, after reasonable notice to said applicant and the company for hearing, shall appoint three disinterested freeholders of said county, who shall appoint a time and place to hear the applicant and said company,

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to whom shall be given by said freeholders reasonable notice of the time and place of said hearing; and said freeholders, or any two of them, shall, after being duly sworn, and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award at the next succeeding term of said court; and said award, if not rejected by said court, for sufficient cause then shown, shall be entered up as the judgment of said court. In determining the question of compensation, said freeholders shall be governed by the actual value of said land, or extent of water, at the time it was taken, taking into consideration the benefit or injuries done to other lands or property of its owner by the establishment of said water works; and if the amount of compensation awarded by said freeholders shall not exceed the amount offered by said company to the owner, prior to said application to the court, the applicant shall pay the cost of the proceedings; otherwise, the company shall pay the same. During the inquiry as to the value of said land and bodies of water, or the damage done to the estate of the owner, said company shall in no manner be molested or hindered in the prosecution of their work thereon, or occupation of the same, by any writ or process from any court of this State; but all officers of the law are authorized and required to render prompt assistance to said company in the premises.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved June 3d, 1873.

CHAPTER CCCXV.

An Act to incorporate "The El Paso Real Estate, Trust and Immigration Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That Allen Blocker, George H. Abbott, A. H. French, James P. Hague, Simeon Hart, and Joseph Magoffin, of El Paso, in the county of El Paso, and their associates and successors, are hereby declared a body corporate and politic, under the name and style of the

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"El Paso Real Estate, Trust and Immigration Company;" with authority, in said corporate name, to contract and be contracted with; to sue and be sued; they shall have the right to purchase and sell; have and hold, in fee for themselves and in trust for others; pledge and receive in pledge for themselves and for others; to transfer and convey, or make any disposition whatsoever, not inconsistent with the laws of this State and of the United States, of all kinds of franchises, and of property, real, personal and mixed; may contract loans, and borrow money for and from persons, companies or corporations; may receive on deposit any sum of money, merchantable and negotiable security; may receive and hold money and negotiable paper in trust, and shall be capable in law and equity of executing all such trusts as may be committed to them by order of any court, Federal or State, or by persons, companies, or corporations, as shall not be at variance with the laws of this State; may take and accept, by grant, transfer, assignment, devise or bequest; they shall have succession and a common seal; power to make, repeal and amend such by-laws, rules and regulations for their government, as in their judgment may be required to insure a successful organization and management of said company; and generally do and perform all acts within the meaning and intent of this charter.

Sec. 2. That the capital stock of said company shall be twenty-five thousand dollars, with power, under this act, to increase the same to any amount within one hundred thousand dollars; said stock to be divided into shares of one hundred dollars each; each share to entitle the owner thereof to one vote, either in person or by proxy, at all elections and meetings of the stockholders; and said stock shall be deemed personal property, and be represented by certificates under the common seal, signed by the president and countersigned by the secretary, and shall be transferable on the books of the company, only in person or by attorney.

Sec. 3. That at the expiration of one year from the permanent organization of said company, and annually thereafter, a president, vice-president, secretary, treasurer and attorney, together with a directory, to consist of not less than five nor more than nine persons, shall be elected by a majority vote of the shareholders thereof; provided, that no person addicted to gambling shall

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ever be elected to any office enumerated in this section, or be chosen to any position of honor or trust by said company.

Sec. 4. That the incorporators herein named shall constitute the first directory, and as such they shall control the affairs of said company for one year from and after the permanent organization of the same as herein provided; and they shall, within sixty days after the passage of this act, at El Paso, proceed to effect a preliminary organization of said company, and shall elect from their number a president, secretary and treasurer, and such other officers as may be required, whose terms of office shall be for one year, or until their successors shall qualify, from and after the time said company shall be permanently organized in accordance with the provisions of the next succeeding section of this act.

Sec. 5. That within ninety days after the preliminary organization of said company shall have been effected, and before proceeding to carry out the objects and aims of this charter, said incorporators shall jointly execute to the Comptroller of the State of Texas, a good and sufficient bond, in the sum of twenty-five thousand dollars, conditioned that they and their associates and successors will, in good faith, carry out the provisions of this agreement made and entered into by and between the State of Texas and the said incorporators and their associates and successors as aforesaid; and upon the filing of said bond, said company may proceed to business.

Sec. 6. The secretary and treasurer of said company shall at all times, before entering officially upon their duties, enter into bond respectively with said company, with two or more good and sufficient sureties, in the sum of ten thousand dollars, conditioned for the just and faithful performance of all duties devolving upon them in their official capacities; said bonds shall be deposited for safe keeping with such person or persons as said directors shall advise, and they shall not be forfeitable on the first recovery.

Sec. 7. The bonds required to be executed by the secretary and treasurer, as herein provided, may be canceled at any time by the directory of said company, and the secretary and treasurer be required to renew the same, in such greater amounts as the business and greater security of the said company may seem to demand.

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Sec. 8. That one of the chief objects of said company shall be to provide for and induce immigration into the State of Texas; and in order the more speedily to accomplish such object, they shall have power to make and enter into contracts for the encouragement and introduction of immigrants into the State; to settle them upon lands, and to give protection to and promote the agricultural and other interests of the northwestern counties.

Sec. 9. That service of legal process shall be sufficient to bind the said company, if made on the president, or, in his absence, on the vice-president, or on the secretary, at the legal domicile of said company, which shall be at El Paso, until changed by a majority vote of the stockholders thereof; and all obligations of said company shall be signed by the president and secretary.

Sec. 10. Said company is empowered to establish such branch offices, at such times and places, as to them may seem proper to successfully attain the purposes of this charter, and said corporation shall have succession for twenty-five years.

Sec. 11. That this act take effect and be and remain in force from and after its passage for the period of twenty-five years.

Approved June 4th, 1873.

CHAPTER CCCXVI.

An Act to authorize Zeinri Tate to construct, own and keep a Toll Bridge on the Sabine River.

Section 1. Be it enacted by the Legislature of the State of Texas, That Zeinri Tate is authorized to construct, own and keep a toll bridge across the Sabine river, at or near the place where the Houston and Great Northern railroad crosses said river.

Sec. 2. That said Zeinri Tate shall, within one year from the passage of this act, construct a good and substantial bridge across said stream, and shall be required to keep said bridge in good, safe condition for crossing wagons, stock and persons, under the penalty of forfeiture of all rights conferred by this act.

Sec. 3. That said Zeinri Tate is authorized to contract

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for and acquire the right of way, and such material as may be necessary for the construction of said bridge, in accordance with the laws of the State of Texas. And when said bridge shall be completed and in good condition for crossing, said Tate shall have the right to demand, collect and receive the following rates of toll, to wit: For each wagon with six horses or oxen, one dollar; for each wagon or other vehicle drawn by four horses or oxen, seventy-five cents; for each wagon or other vehicle drawn by two horses or oxen, fifty cents; for each wagon or other vehicle drawn by one horse or ox, twenty-five cents; for each person on horseback, ten cents; for each footman, five cents; for each loose horse and head of cattle, five cents; for each head of hogs or sheep, three cents.

Sec. 4. That this act take effect from passage, and be in force twenty-five years.

Approved June 4th, 1873.

CHAPTER CCCXVII.

An Act to authorize the County Court of Ellis County to have the Records of Deeds transcribed from the Counties of Robertson and Navarro Counties, and have same recorded in Ellis County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Ellis county are hereby authorized to have the records of deeds for land situate in the county of Ellis transcribed from the records of deeds in the counties of Robertson and Navarro, and to do this may employ some competent person or persons, paying them for such service a reasonable compensation; and said transcripts from such records, certified to be correct by the person or persons employed by the county court, shall have the same force and effect as the originals, and be entitled to be recorded on the records of deeds of Ellis county; for which service the County Court of Ellis county shall pay the district clerk the same fees as he is now entitled by law for the records of deeds, etc.; and which records shall have the same force and effect as the records of said original deeds.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved June 4th, 1873.

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CHAPTER CCCXVIII.

An Act to incorporate Tyler Chapter No. 24, Royal Arch Masons.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of "Tyler Chapter No. 24, Royal Arch Masons," and their associates and successors, be and are by this act created a body politic and corporate by the above name and style; and as such shall have power to sue and be sued, plead and be impleaded; buy, hold, sell and convey real and personal property; and adopt such rules, not inconsistent with the Constitution of the United States, or the Constitution and laws of this State, or the requirements of the Grand Chapter of the State of Texas.

Sec. 2. Said corporation shall have succession for twenty-five years; may have a common seal; and this act shall take effect and be in force from and after its passage.

Approved June 4th, 1873.

CHAPTER CCCXIX.

An Act for the relief of Benjamin C. Franklin, authorizing the Commissioner of the General Land Office to issue duplicate Land Warrants for Bounty Warrants 2984, 2981, 2980, issued by the Secretary of War of the late Republic of Texas, and to issue patents on Certificate No. 395, issued by the Board of Land Commissioners on the twenty-first of June, 1838, and on Bounty Warrant No. 4456, issued by the Secretary of War of the late Republic of Texas, on the twenty-sixth of November, 1838.

Section 1. Be it enacted by the Legislature of the State of Texas, That the several bounty warrants and land certificate named in the caption of this act are hereby declared valid and subsisting claims for land in the State of Texas, and that the Commissioner of the General Land Office is hereby authorized to issue to Benjamin C. Franklin, as assignee, duplicates for bounty warrant No. 2984, issued by the Secretory of War to Edward S. Jones on the twenty-third day of April, 1838; also, for No. 2981,

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for three hundred and twenty (320) acres, issued to Volney Ostrander on the twenty-third of April, 1838; also, for No. 2980, issued on the twenty-third of April, 1838.

Sec. 2. Be it further enacted, That the Commissioner of the General Land Office be and he is hereby authorized, on application of Benjamin C. Franklin, to annex to certificate No. 395, issued to David J. Mitchell by the Board of Land Commissioners of Montgomery county, for one (1) league of land, on the 21st of June, 1838, and bounty warrant 4456, issued by the Secretary of War, on the 26th of November, 1838, his certificate as Commissioner of the General Land Office that said certificate and bounty warrant is and are valid claims, and that patents will issue thereon to Benjamin, or his assigns, on the return of field notes according to law.

Sec. 3. Be it further enacted, That this act shall not be held or taken to deprive any party in whose right the certificate or warrant was originally issued, or any assignee thereof, if any such there be, of any right, legal or equitable, which they may have or hold to either of the bounty warrants named, or the certificate. That this act take effect from and after its passage.

Approved June 4th, 1873.

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THE STATE OF TEXAS,
Department of State.

I, James P. Newcomb, Secretary for the State of Texas, certify that the Acts contained in this volume are true copies (except the words in brackets, which were inserted to make sense), taken from the originals in the Department of State, with which they have been carefully compared; and I further certify that the first session of the Thirteenth Legislature of said State commenced at the city of Austin on Tuesday, the fourteenth day of January, in the year of our Lord one thousand eight hundred and seventy-three, and adjourned sine die on Wednesday, the fourth day of June, in the year of our Lord one thousand eight hundred and seventy-three.

In testimony whereof I have hereunto signed my name, and have caused the seal of the Department of State to be affixed, at the city of Austin, this [Seal.] twenty-second day of August, in the year of our Lord one thousand eight hundred and seventy-three.

JAMES P. NEWCOMB,
Secretary of State.

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